BY THE SAME AUTHOR

The Kashmir Story

The Pakistan-China Axis

I-E/25084

KASHMIR AWAKES

B. L. SHARMA

VIKAS PUBLICATIONS
DELHI * BOMBAY * BANGALORE
KANPUR * LONDON

PREFACE

THE EARLIEST kingdoms in Kashmir, according to tradition, existed before B. C. 2,000. Known throughout its recorded history as Kasmira, in its original Sanskrit form, the name still lives as Kasmir, in Persian spelling Kashmir, which is its modern version. However, even tradition throws little light on the history of Kashmir before the reign of Emperor Asoka, although the name Kasmira, according to Stien, can be traced back through an unbroken chain of documents for more than twenty-three centuries. The name itself is more ancient.

The basic object of the book is to trace the origin and growth of religious tolerance and cultural co-existence, which is a remarkable feature of the Valley, from the earliest times to the present day. As background to this phenomenon, certain forces which attempted to control authority in Kashmir, particularly the activities of weak and dissolute rulers, during the reign of Buddhist and Hindu kings, have been pinpointed.

The long tradition of cultural harmony in the State arose out of certain factors in the lives of the people. Accordingly, these factors, including political and constitutional developments in the State together with some treatment of economic and social problems, have been given special attention. In the process it was found necessary to bring Sheikh Abdullah's activities into focus before and since his first detention in 1953. His statements were, therefore, subjected to a careful analysis to discover the underlying meaning and implications of his political views. I have also made an attempt to sift the available evidence to find out whether he had a hand, if any, in Pakistan's second aggression in Jammu and Kashmir in August 1965.

Various proposals have been made from time to time to justify an autonomous status for this or that part of the State within the framework of the Indian Union. These have been examined briefly as also the views of the Jammu and Kashmir Commission of Inquiry.

Extracts from the Ayyangar Commission's Report in so far as they have a bearing on the administration of the State at the Cabinet level have been included. Some attention has also been paid to Centre-State relations as they have developed since accession, particularly in their effect on the operation of secular forces.

Ordinarily there would have been no occasion to deal with the civil war in East Pakistan. But since it throws some light on Kashmir, as also on Abdullah, the subject has been briefly sketched and some of its implications suggested.

Part of the burden of preparing the book was cheerfully borne by my daughters—Nina who corrected the proofs and dealt with other textual matters, and Indira who retyped some of the chapters and helped as comparer.

K-77, Hauz Khas Enclave
New Delhi 16

B.L. SHARMA

CONTENTS

I	*A Garden of Eternal Spring*	1
II	*The River of Kings*	16
III	*Rudiments of Popular Control*	37
IV	*A Vision of Humanity*	50
V	*Struggle for Equality*	65
VI	*Faith on Trial*	77
VII	*Roots of Tolerance*	90
VIII	*Triumph of Popular Will*	101
IX	*Operation of Secular Forces*	114
X	*Transformation of Abdullah*	124
XI	*Abdullah's Part in the Invasion*	138
XII	*Abdullah and the Future*	156
XIII	*A Test and a Symbol*	181
XIV	*Problems of Progress*	195
XV	*What Holds the State Together?*	211
XVI	*What was Behind Hijacking?*	228
	APPENDIXES	251
	INDEX	283

CHAPTER ONE

A GARDEN OF ETERNAL SPRING

WITH ITS infinite charm, Kashmir has haunted the dreams of travellers from ancient times. It is mentioned in the works of the famous Hindu grammarian, Panini, and by Patanjli, the originator of the science of yoga, and also in the *Mahabharata*. It is mentioned not only in old Sanskrit texts but also by Ptolemy, in the accounts of Chinese travellers of the seventh and eighth century, by Arab and Moghul chroniclers and other travellers from far off lands, including European countries.[1]

Nature, itself when creating the great Valley of Kashmir and its enclosing wall of mountains, seems to have assured to this territory not only a distinct geographical character, but also a historical existence of marked individuality.[2] The name *Kasmira*, in its original Sanskrit form, has been used as the sole designation of the country throughout its known history. According to Stien, the continued use of this name can be traced back through an unbroken chain of documents "for more than twenty three centuries."[3] The name itself, undoubtedly, is far more ancient.[4] The Sanskrit Kasmira still lives as Kasmir (in Persian spelling is Kashmir).

In the language of the chroniclers "the valley is an emerald set in pearls, a land of lakes, clear streams, green turf, magnificent trees and mighty mountains—where the air is cool and the water sweet, where men are strong and the women vie with the soil in

[1]The Arab and Moghul chroniclers include Al-Baruni, Abu-l-Fazl, and Emperor Jehangir. Hiuen Tsiang came to Kashmir from China in the seventh century and Ou-Kong in the eighth. European travellers include Jesuit missionaries, Bernier, Forster, Moorcraft, Vigne, and others. See M.A. Stien, *Rajatarangni*, Vol. II, Constable, London, pp. 351-65.

[2]*Ibid.*, p. 386. [3]*Ibid.* [4]*Ibid.*

fruitfulness."[5] Based on the account of an Indian envoy who reached China in the early part of the reign of the Tang dynasty, a record dating from 541 A.D., Kashmir is described as a country "enveloped on all sides like a precious jewel by the snowy mountains, with a valley in the south which leads up to it and serves as the gate of the kingdom."[6] Kalhana's description, though brief is unrivalled: "Learning, lofty houses, saffron, icy water and grapes: things that even in heaven are difficult to find." The Moghul Emperor Jehangir described it as a paradise on earth and Abu-l-Fazl as a garden of perpetual spring.
Jehangir writes:

> Kashmir is a garden of eternal spring, a delightful flower-bed and a heart-expanding heritage for dervishes. Its pleasant meads and enchanting cascades are beyond all description. There are running streams and fountains beyond count. Wherever the eye reaches, there is verdure and running water. The red rose, the violet, and the narcissus grow of themselves; in the fields there are all kinds of flowers and all sorts of sweet-scented herbs more than can be counted. In the soul-enchanting spring the hills and meadows are filled with blossoms; the gates, the walls, the courts, the roofs are lighted up by the torches of the banquet-adorning tulips. What shall we say of these things or of the broad meadows and the fragrant clover?

In latitude Srinagar, the summer capital of the State of Jammu and Kashmir, corresponds with Damascus, Fez, and South Carolina. Some people have likened the climate of the valley to that of Switzerland until the end of May and Southern France in July and August. "There is no place," says Younghusband, "where one can see a complete *circle* of snowy mountains surrounding a plain of anything like the length and breadth of the Kashmir valley, for the main valleys of Switzerland are like the side valleys of Kashmir. And above everything there is not behind Switzerland what there is at the back of Kashmir and visible in glimpses from the southern side—a region of stupendous mountains surpassing

[5]Walter Lawrence, *The Valley of Kashmir*, Oxford University Press, London, 1895, p. 13.
[6]Stien, *op. cit.*, pp. 354-5.

every other in the world."[7] As Lawrence says, it is impossible to speak of Kashmir as possessing any one climate. Every hundred feet of elevation brings some new phase of climate and of vegetation, and in a short ride of thirty miles one can pass from overpowering heat to a climate delightfully cool or can escape from wearisome wet weather to a dry and sunny atmosphere.

On the way down from Bannihal, the Valley of Kashmir presents a breath-taking view—a vast carpet in a thousand shades of greens and blues, tans and lavendar, with shimmering brooks and streams, a picture of incredible beauty, with its distant features, half revealed half concealed by magic mist. It is small wonder that Forster was enchanted by the scene.

> The road from Veere Naug leads through a country, exhibiting that store of luxuriant imagery, what is produced by a happy disposition of hill, dale, wood, and water; and that these rare excellencies of nature might be displayed in the full glory, it was the season of spring, when the trees, the apple, pear, the peach, apricot, the cherry, mulberry bore a variegated load of blossom. The clusters also, of the red and white rose, with an infinite class of lowering shrubs, presented a view so gaily decked, that no extraordinary warmth of imagination was required to fancy that I stood, at least, on a province of fairyland.

Another attraction of Kashmir is not only that each spot is so different from the other but that each spot has a different aspect every day.[8] It is hardly surprising that Kashmir surpassed in beauty all that Bernier's warmest imagination had anticipated. To him Kashmir was "the terrestrial paradise of the Indies." "The whole kingdom wears the appearance," he says, "of a fertile and highly cultivated garden. Village and hamlets are frequently seen through the luxuriant folliage. Meadows and vineyards, fields of rice, wheat, hemp, saffron and many sorts of vegetables, among which are mingled trenches filled with water, rivulets, canals, and several small lakes, vary the enchanting scene. The whole ground is enamelled with our European flowers and plants, and covered with

[7]Francis Younghusband, *Kashmir*, A & C Black Ltd., London, 1933, pp. 2-3.
[8]*Ibid.*, pp. 17-8.

our apple, pear, plum, apricot and walnut trees, all bearing fruit in great abundance."

The mountains which surround Kashmir show a stupendous variety. To the east stands Harmukh (16,903 feet), the grim mountain which guards the valley of the Sind. Further south is Mahadeo, sacred to the Hindus which seems almost to look down on Srinagar, and south again are the lofty range of Gwash Bhari (17,800 feet), the mountain of the pilgrim, beautiful in the evening sun. On the south-west is the Pir Panjal range with peaks of 15,000 feet. Further north the great rolling downs of the Tosh Maidan (14,000 feet) and in the north-west corner rises the snowy Kazi Nag (12,125 feet). "Every mile reveals some exquisite peak, around which cling curious legends of battles, demigods and elephants."[9] To the east and north of the valley rise the Great Himalayas beyond which rise even higher ranges—the Zaskar range, the Ladakh range, the Karakorams, and the Kun Lun mountains with world-renowned peaks—the Nanga Parbat and K2 to mention only two.

After his marriage in 1916 Jawaharlal Nehru spent several weeks in Kashmir. His description of the Zoji-la pass and his trek across the snowfields to the cave of Amarnath is worth reproducing:

> This was my first experience of the narrow and lonely valleys high up in the world, which led to the Tibetan plateau. From the top of the Zoji-la pass we saw the rich verdant mountain sides below us on one side and the bare bleak rock on the other. We went up and up the narrow valley bottom flanked on each side by mountains, with the snow-covered tops gleaming on one side and little glaciers creeping down to meet us. The wind was cold and bitter but the sun was warm in the day time, and the air was so clear that often we were misled about the distance of objects, thinking them much nearer than they actually were. The loneliness grew; there were not even trees or vegetation to keep us company—only the bare rock and the snow and ice and, sometimes, very welcome flowers. Yet I found a strange satisfaction in these wild and desolate haunts of nature; I was full of energy and a feeling of exhaltation.

[9]Lawrence, *op. cit.*, p. 15.

I had an exciting experience during this visit. At one place on our march beyond the Zoji-la pass—I think it was called Matayan—we were told that the cave of Amarnath was only eight miles away. It was true that an enormous mountain all covered with ice and snow lay in between and had to be crossed but what did that matter? Eight miles seemed so little. In our enthusiasm and inexperience we decided to make the attempt. So we left our camp (which was situated at about 11,500 feet altitude) and with a small party went up the mountain. We had a local shepherd for a guide.

We crossed and climbed several glaciers, roping ourselves up, and our troubles increased and breathing became a little difficult. Some of our porters lightly laden as they were, began to bring up blood. It began to snow and the glaciers became terribly slippery; we were fagged out and every step meant a special effort. But still we persisted in our foolhardy attempt. We had left our camp at four in the morning and after twelve hours of almost continuous climbing we were rewarded by the sight of a huge ice-field. This was a magnificent sight, surrounded as it was by snowpeaks, like a diadem or an amphitheatre of the gods. But fresh snow and mists soon hid the sight from us. I do not know what our altitude was but I think it must have been about 15,000 to 16,000 feet, as we were considerably higher than the cave of Amarnath. We had now to cross this ice-field, a distance probably of half a mile, and then go down on the other side to the cave. We thought that as the climbing was over, our principal difficulties had also been surmounted, and so, very tired but in good humour, we began this stage of the journey. It was a tricky business as there were many crevasses and the fresh snow often covered a dangerous spot. It was this fresh snow that almost proved to be my undoing, for I stepped upon it and it gave way and down I went a huge and yawning crevasse. It was a tremendous fissure and anything that went right down it could be assured of safe keeping and preservation for some geological ages. But the rope held and I clutched to the side of the crevasse and was pulled out. We were shaken up by this but still we persisted in going on. The crevasses, however, increased in number and width and we had no equipment or means of crossing some of them. And so at last we turned back, weary

and disappointed, and the cave of Amarnath remained unvisited.[10]

The colours, which are seen in the Kashmir mountains in the morning, at sundown, in the spring, during the rains or in the autumn, are beyond description. The divine master artist uses a rich and varied palette, colours which cannot be reproduced by any human artist either in their range, luminousness, or subtlety.

> In early morning they are often a delicate semi-transparent violet relieved against a saffron sky, and with light vapors clinging round their crests. Then the rising sun deepens shadows, and produces sharp outlines and strong passages of purple and indigo in the deep ravines. Later on, it is nearly all blue and lavender, with white snow peaks and ridges under a vertical sun, and as the afternoon wears on these become rich violet and pale bronze, gradually changing to rose and pink with yellow or orange snow, till the last rays of the sun have gone, leaving the mountains dyed a ruddy crimson with the snows showing a pale creamy green by contrast. Looking downward from the mountains the valley in the sunshine has the hues of the opal, the pale reds of the Karewa, the vivid light greens of the young rice, and the darker shades of the groves of trees relieved by sunlit sheets, gleams of water, and soft blue haze give a combination of tints reminding one irresistibly of the changing hues of that gem.[11]

The patchwork of fields seen from the air show an incredible variety of soft pastel shades, the warm tints made warmer by their surrounding cool colours.

Nehru observes:

> Like some supremely beautiful woman whose beauty is almost impersonal and above human desire, such was Kashmir in all its feminine beauty of river and valley and lake and graceful trees. And then another aspect of this magic beauty

[10] *An Autobiography*, Allied Publishers, Bombay, 1962, pp. 37-8.
[11] Lawrence, *op. cit.*, p. 15.

> would come to view, a masculine one, of her mountains and precipices, and snow-capped peaks and glaciers, and cruel and fierce torrents rushing down to the valley below. It has a hundred faces and innumerable aspects, ever-changing, sometimes smiling, sometimes sad and full of sorrow. I watched this everchanging spectacle and sometimes the sheer loveliness of it was overpowering and I felt amost faint. As I gazed at it, it seemed to me dream-like and unreal, like the hopes and desires that fail us and so seldom find fulfilment. It was like the face of the beloved that one sees in a dream and that passes away on awakening.

SEAT OF INDIAN CULTURE

Not only was Nehru aware of the many faces of Kashmir but was also conscious of its cultural unity with other parts of India in history. "Kashmir," observes Nehru, "has always been in history for thousands of years—not always politically but essentially—a part of India, for hundreds of years, it was politically a part of India long before the British came. Culturally, of course, it has been one of the biggest seats of Indian culture and learning throughout history for about 2,000 years. Some of the first books on Indian history were written on Kashmir."

"The valley of Kashmir," says Lawrence, "is the 'holy land' of the Hindus, and I have rarely been in any village which cannot show some relic of antiquity. Curious stone miniatures of the old Kashmiri temples (Kulr-Muru), huge stone seats of Mahadeo (Badrpith) inverted by pious Musalmans, Phallic emblems innumerable, and carved images heaped in grotesque confusion by some clear spring have met me at every turn. The villagers can give no information as to the history of these remains, save the vague guess that they were the works of the Buddhists or of the Pandus."[12] According to Cunningham, the architecture of Kashmir, with its noble fluted pillars, its vast colonades, its lofty pediments and its elegant trefoiled arches is a distinct style. He calls it the "Arian order" partly because it was the style of the Aryas, or Arians of Kashmir, and partly because its interculminations are always of

[12] *Ibid*, p. 161.

four diameters, an interval which the Greeks called Araiostyle.[13] There is nothing in Kashmir—a village, town, stream, lake, spring or peak—which is not steeped in Hindu and Buddhist legend.

Abu-l-Fazl could not help observing that "the whole country is regarded as holy ground by the Hindu sages." He also refers in general terms to the numerous shrines dedicated to the various Hindu deities and to the popular worship of the *Nagas*, i.e. snakes, "of whom wonderful stories are told." The popular language spoken in Kashmir for centuries and even in Kalhana's time was a dialect derived from Sanskrit which has gradually developed into the modern Kashmiri. Sanskrit was the official and sole literary language of the country. This official use of Sanskrit continued in Kashmir into Muslim times.[14]

The Valley of Kashmir, according to an old Hindu legend, was originally a lake. Called Satisaras "the lake of *Sati* or the virtuous woman (Durga)," its water occupied the valley from the beginning of time. Then the demon Jalodbhava ("water-born") who lived in the lake, caused great distress to all neighbouring countries by his devastations. The great sage Kasypa, the father of all *Nagas*, while engaged in a pilgrimage to holy places in north India, heard of the cause of this distress from his son Nila, the king of the Kashmir Nagas. To punish the evil-doer, Kasyapa appealed to Brahman and other gods for help.

By Brahman's command the whole host of gods came to the lake, but the demon, who was invincible in his own element, refused to come forth from the lake. Vishnu thereupon called upon his brother Balabhadra to drain the lake. This he affected by piercing the mountains with his weapon, the plough-share. When the lake had become dry, Jalodbhava was attacked by Vishnu and after a fierce combat slain with the god's war disc. Kasyapa then settled the valley which had thus been produced. The main features of the legend, which found their way into the accounts of Chinese, Muslim, and European chronicles, live to this day in popular tradition.[15] A geologic study bears out the view that the vale once upon a time was a lake. There was no way in which the water could flow out of the valley except through the narrow gorge

[13]Bate's Gazetter quoted in *ibid.*, p. 169.
[14]Stien, *op. cit.*, p. 371.
[15]*Ibid.*, pp. 388-9.

which begins near Baramulla where the river turns into rapids.

The most prominent physiographical feature of Kashmir has been described as a double-staircase, the one ascending and facing Pakistan and the rest of India and the other descending into Tibet. To the south the first step starts from the low Punjab hills, which run in a line with the Siwalik hills, its height hardly exceeding 1,000 feet and its breadth ten miles. Some of the hills are marked as Poonch, Riasi, and Hazara. The next step is reached after crossing the Pir Panjal range, running from Muzaffarabad to Kishtwar on the Chenab. It is nearly 180 miles in length and about 30 miles wide. Sloping towards the north, this range resembles a writing table. The third step is that of the Great Himalayas nearly 150 miles long, striking in the N.W.S.E. direction, with its loftiest peak of Nanga Parbat (26,620 feet). The Zaskar range, rising up to 20,000 feet and over, which separates the valleys of the Indus from those of the Jhelum and the Chenab, is an offshoot of the Great Himalayas. It is this area which has peaks like Gasherbrum (28,100 feet) and Masherbrum (25,660 feet) and passes like Zoji La (11,300 feet). Another offshoot of the Great Himalayas is the North Kashmir range lying between the Jhelum and the Kishinganga valleys with the Harmukh peak (16,980 feet) high. The Ladakh range stretches mostly across Ladakh, with high peaks including Gurla Mandhata (25,355 feet). Beyond the Great Himalayan range is the other side of the staircase which consists of two steps—the Karakorum range with its K2 peak and the Aksai Chin plateau with its average height of 12,000 feet.[16]

Of the three rivers which drain the valleys of Jammu, Kashmir, Ladakh, and Gilgit, the Indus is unique. It drains a number of world-famous peaks—K2, Nanga Parbat, Aling Kangri, Tirich Mir, Gasherbrum, Sikaram, Rakaposhi, and Takht-i-Sulaman.[17]

The river Vitasta (Jhelum) has from ancient times served as the most important highway of Kashmir. The value of the river and of the numerous canals, lakes, and streams which are also accessible to boats for internal trade and traffic cannot be overemphasized. The importance of river traffic in Kashmir may be estimated from the fact that the number of boatmen engaged in it together with their families numbered, according to the census of 1891, nearly

[16]For these facts, see Maneck B. Pithawala, *An Introduction to Kashmir*.
[17]*Ibid.*

34,000. In old days boats were the ordinary means of travel in the valley, as it is clear from frequent references to river Jhelum in the chronicles. The importance of river navigation is also borne out by the position of the ancient sites. All the towns which from time to time were the capitals of the country, were built on the banks of the Jhelum. The great majority of other important places of ancient date were similarly situated. The site of Srinagar has not changed for more than thirteen centuries. The number of bridges in Srinagar—they are seven—has remained unchanged for at least five hundred years. Boats were bound together by chains to serve as a bridge and through it a way could be opened for the river traffic.[18] Sharifu-d-Din's notice shows that down to the end of the Hindu period permanent bridges across the Vitasta were unknown in Kashmir.[19] However, Kalhana refers to a boat bridge.

The great natural ramparts which enclose Kashmir have assured to the "land of Sarada" not only long immunity from foreign invasions but also a historical existence marked by individuality, writes Stien. On this no lasting impression was left even by those periods when the valley was under the sovereignty of great foreign dynasties. "Kashmir history has hence always borne a local character. It cannot be doubted that this fact has been a decided advantage for the preservation of historical traditions."[20] The same authority goes on to say that the seclusion which Kashmir has enjoyed owing to its peculiar position has even to the present day materially restricted the geographical horizons of its inhabitants. This must have been far more the case yet in Hindu times when a rigid system of guarding the frontiers increased the natural obstacles to intercourse with outside territories. "It hence results that the true relation of Kashmir to the rest of India in point of importance and power is never fully realized. To the Kashmiri who knew the traditions of his land, but practically nothing of the world outside it, the imperial sway of the Mughal rulers over India naturally appeared rather as a consequence of their possession of Kashmir than *vice versa*."[21]

Jammu and Kashmir is, like the rest of India, a cauldron in which

[18]Stien, *op. cit.*, p. 414.
[19]*Tarikh-i-Rashidi.*
[20]Stien, *op. cit.*, Vol. I, p. 30.
[21]*Ibid.*

religions, races, and languages meet, melt, and mingle. Here is a confluence of Indian, Tibetan, Central Asian, Greek, and Iranian cultures. Hinduism prevails principally in the province of Jammu, Islam in the valley and northern areas, and Buddhism in Ladakh. There are also a few Sikhs and Christians. Numerous languages are spoken—Dogri in Jammu, Punjabi and Western Pahari in parts of Jammu and the Valley, Kashmiri in the Valley and the foothills of the Pir Panjal range, Bhotia in Ladakh, Balti in Baltistan, Shina in Gilgit and Barushaski in Hunza and Nagar. Races include Aryan, Mongolian, Semitic.[22]

The total area of the State is 86,023 square miles. Of this almost one-third has been seized by aggression by Pakistan, mostly in the west and the north, and 14,500 square miles by China in Ladakh or eastern Kashmir. Outside Ladakh, a ceasefire line, 470 miles in length, divides the State, the areas to the north and west of the line being under the unlawful control of Pakistan. This line is looked after by UN military observers.

In 1835, the population of the valley did not exceed 200,000. This showed a drop of one million as compared with 1560.* In 1873, a census was taken which returned the total population of Kashmir, including the Muzaffarabad district, as 491,846. Then came the terrible famine of 1877-79 which, according to one observer, removed 67,400 persons from the city and 174,220 persons from the villages. It was stated on the authority of a French shawl merchant, long resident in Kashmir, that whereas in former times there had been 30,000 to 40,000 weavers in Srinagar only 4,000 remained after the famine. By 1891, the valley had a population of 814,241, i.e. in twelve years the population had nearly doubled.[23] By 1941, the population had increased to four million and by 1961,[24] on the Indian side of the ceasefire line, to 3,560,976. (see Appendix III.)

Judging from Kashmir's chronicles and other available information, the population of Kashmir had shown already in old times the same homogeneity that it does today. The physical and ethnic characteristics, which so sharply mark off the Kashmiris from sur-

[22]For further details, see B.L. Sharma, *The Kashmir Story*, Asia. Also Appendix IV.
*R.K. Parmu, *A History of Muslim Rule in Kashmir (1320-1819)*, People's Publishing House.
[23]Lawrence, *op. cit.*, pp. 223-4. [24]The Census of India.

rounding races, have always struck observant visitors to the valley. "That the Kashmiris form a branch of the race which brought the languages of the Indo-Aryan type into India is a fact established by the evidence of their language and physical appearance."[25]

TOURISTS' PARADISE

It is hardly surprising that this part of India so rich in natural beauty and legend and a treasure of history is the tourists' paradise, holding the key to a thousand ways of lifting fatigue from body and mind. Lakes and snowfields offer opportunities for surf-riding and skiing respectively to visitors who have many opportunities for diversion—fishing, hunting, hiking, skiing, mountaineering, study of fauna and flora, and glorious views for artists to paint, not to mention luxurious houseboats and a glide on lakes in shikaras which offer comfort as well as an uninterrupted view of a self-transforming scene. The valley is rich in fruit—cherries, plums, apples, pears, walnuts, pomegranates, strawberry, currants, and almond. Lawrence gives a list of nearly 500 plants which grow in the neighbourhood of Gulmarg alone.

Kashmir is famous for its handicrafts—shawls, carpets, woodwares, papier-mache, and silver. The shawl industry was developed under the Moghuls. According to Dauvergne, as quoted by Lawrence, the Kashmiri shawl dates back to the time of the Emperor Babar.

> The Mughal Emperors wore on their turbans a jewelled ornament known as *jigha*, in shape like an almond. On the top of the *jigha* was an aigrette of feathers. An *Andijani* weaver imitated the design of the *jigha* in a scarf made for the emperor Babar, and was so successful that the *jigha* became the fashionable design in all scarves and shawls. Many *Andijani* weavers were brought down to India from Kashmir by the Mughal emperors, and the *jigha* design was adopted in art centres in India and also in Persia. Many of the small carpets of Persia represent the *jigha*, and at the present time there is a class of shawls and *butadars* made in Srinagar entirely for the Persian market.[26]

[25]Stien, *op. cit.*, Vol. II, p. 429.
[26]Lawrence, *op. cit.*, p. 375.

The first shawls which reached Europe were bought by Napolean at the time of the campaign in Egypt, as a present to the Empress Josephine. The shawl was made of the finest pashmina material obtained from the goats of the Tibetan mountains but the best material came from Tian Shan (Celestial Mountains) and Ush Tarfan. It was brought by caravans via Yarkand and Ladakh. The best shawls ever made in Kashmir were manufactured in the time of Maharajah Ranbir Singh between the years 1865 and 1872. "They were very fine in texture, very soft in colour, and of the most elaborate and graceful patterns, of a purely Eastern style of decoration."[27]

How flourishing the shawl trade was is testified to by Bernier. "What may be considered peculiar to Kashmir, and the staple commodity which particularly promotes the trade of the country and fills it with wealth, is the prodigious quantity of shawls which they manufacture and which gives occupation even to little children." Forster who visited Kashmir in 1783 found merchants and commercial agents of most of the principal cities of northern India and of Tartary, Persia and Turkey, and Moorcraft estimated the value of shawl goods at about Rs 3,500,000 per annum. Famed for their workmanship, the best shawls are the old "ring shawls," so named because the shawl can pass through a signet ring.

Even older than shawls is the boat industry. Moghuls found that boats were the centre upon which all commerce moved and that "in Kashmir there was made model of a ship that astonished every one who saw it."[28] Lawrence's fear that with the development of road transport and forest conservatory, boats would be a thing of the past has not happily been justified by subsequent events. They still ply on waterways, and houseboats are as popular as ever. There are many kinds of boats, all flat-bottomed. Large barges are used to carry grain and wood and are of two kinds. The larger known as *bahats* has a high prow and stern and a cabin with two rooms in which the boatmen and his family live. These barges can carry a cargo of 800 to 1,000 maunds. The smaller barges is known as *war* and it has a low prow. One of the most common forms of boats is the *dunga*. This is a flat-bottomed boat, about 50 to 60 feet in length and about six feet in width. The *shikara* is a

[27]*Ibid.*, p. 376.
[28]*Ain-i-Akbari.*

small edition of the *dunga* and is used for short journeys and by tourists on the river and lakes. The *kuchu* is a heavy boat without any roof and is used for the transport of stone. The *dumbnao* is a tiny dugout used to bring vegetables to market. The *tsatawar* is a small boat without a roof, only used on the Wular.

Kashmir is noted for its silver plate with very fine and intricate repousse work in flat relief. The common designs are the very beautiful shawl pattern, the Arabesque, mostly used on parcel gilt work. The Rossette style, Chinar tree pattern, and the Lhasa style of work in which the handles and spout of vessels take the form of large dragons.[29] As for wood-carving in architecture, Kashmir is unrivalled in Khatan-Bandi style of ceiling.

> In Gujarat and Rajputana the craftsmen work out beautiful perforated tracery and flower carvings on window shutters, window balustrade and door-screens. The doors and windows of houses in the Punjab exhibit some of the best efforts of the carvers in wood. But the Khatan-Bandi style of ceiling is the sole monopoly of Kashmir and has so far remained unimitated in any other part of the world. It consists of small pieces of carved wood fitted with frames in geometrical designs to form decorative ceilings for rooms. Almost all the houses in Kashmir possess these ceilings.[30]

Moorcraft commented on the fine quality of the lacquer wares of Kashmir. "They are remarkable for the variety and elegance of the patterns with which they are painted, generally of flowers, for the brilliance of their colours, and the beauty of the varnish."

It is said that the Greek soldiers of Alexander during their visit to the valley were lost in admiration at the sight of extensive beds of beautifully and delicately tinted purple flowers of saffron. Forming an essential part of worship among the Hindus, the Greeks, and the Romans, saffron has been the monopoly of Kashmir from ancient times. As a perfume it was used by the Greeks in their halls, courts, and theatres, and the streets of Rome, it is said, were sprinkled with saffron when Nero made his entry into the city. It is still

[29]Rustam J. Mehta, *The Handicrafts and Cultural Arts of India*, Taraporevala, Bombay, 1960, p. 26.

[30]Shanti Swarup, *The Arts and Crafts of India and Pakistan*.

mixed with rice by the North Indians generally, the Iranians and the people of Spain. In his immortal works, Kalidasa describes minutely the cultivation and use of saffron, and this, according to the theory, only a native of Kashmir could know. The plateau of Pampur is famous for its saffron fields which are in full bloom in the month of October and November.[31]

Such is Kashmir steeped in loveliness which is reflected in its handicrafts, in its dwellings mirrored in the placid water of its canals and waterways or quivering in its swift-flowing rivers, in its stream and mountain, tree and flower. Its people live in many ages at the same time, revealing in their lives, like their fellow-citizens in other parts of India, a continuity which defies time.

[31]*Keys to Kashmir*, Lalla Rookh Publications, Srinagar, 1957, pp. 132-4.

CHAPTER TWO

THE RIVER OF KINGS

THE HISTORY of Kashmir has been truly described by its most distinguished chronicler, Kalhana, as a river of kings in which royalty follows royalty in a bewildering succession over a span of more than three thousand years. Not all of them were equal in ability, prowess, and service to arts, crafts and human happiness. Most of them were weaklings and dissolute in life, a burden to the exchequer and a curse to the people. However, some of them stood out like the lofty peaks for which Kashmir is famous, and their renown still gleams in the firmament of time.

After the demon Jalodbhava was laid low, the lake yielded a valley which Kasyapa settled with his own people. Considering the wide prevalence of the name *Naga* (snake) in the valley from early times, evidently considerable importance was attached to its worship. The *Nagas* were supposed to reside in the springs and lakes of the valley. Perhaps the name was suggested by the serpentine movement of brooks, streams, and rivers and the waves on the bosom of the lake.

According to local tradition, the oldest city was Sandimat Nagar which because of its wickedness was destroyed by an earthquake. Ruled by Sundersena between B.C. 2082 and 2041, which stood where today is the Wular lake, the city was swallowed up in a flood. This was contemporaneous with the reign of Amenmhet in ancient Egypt. At first the country was split up with numerous little kingdoms known as kutraj, the remains of which can still be seen. The kings fought among themselves. Presumably they were subdued by Gonand I whom Kalhana mentions as the first king of the valley, related to Jarasandha, the ruler of Maghda, who was a contemporary of Krishna and the Pandavas.

Gonanada I is one of the 52 earliest kings of Kashmir who, according to Kalhana, were not recorded in the former chronicles.

The "lost" kings included Lava and Kusa, the sons of the legendry Rama, and Godhara whose names, according to popular tradition, are related to local names of villages or sacred places.

However, it is with Asoka, the great Buddhist Emperor of India, that the history of Kashmir begins.

> Thus among the first authentic facts we can safely lay hold of from among the misty and elusive statements of exuberant Oriental historians, is the fact that Asoka's sovereign power extended to Kasmir—Asoka, the contemporary of Hannibal, and the enthusiastic Buddhist ruler of India, whose kingdom extended from Bengal to the Deccan, to Afghanistan and the Punjab, and the results of whose influence may be seen to this day in Kashmir, in the remains of Buddhist temples and statues, and in the ruins of cities founded by him 250 years before Christ, 200 years before the Romans landed in Britain, and 700 years before what is now known as England had yet been trodden by truly English feet.[1]

It was Asoka who founded Srinagari, the ancient capital of Kashmir with its "ninety-six lakhs of houses resplendent with wealth."[2] Near *Vitasta* he built a caitya "the height of which could not be reached by eye." According to Hiuen Tsiang, Asoka settled 5,000 monks in Kashmir which had in earlier times played a great part in the traditions of Buddhism, Arhat Madhyantika having first spread the Buddhist law in the land. Hiuen Tsiang found a hundred convents in the country but Ou-kong who visited it in 725 A.D. found more than three hundred and a considerable number of stupas and sacred images.

The successor of Asoka, Jalauka, traditionally said to be his son, was a popular hero who not only cleared the land of the Mlecchas, but made extensive conquests and introduced a complete system of administration. With the three Turushka (Turkish) kings, Huska, Juska, and Kanishka, Buddhism achieved new popularity and power. Kanishka, identified with the great Kushan ruler of north-western India, held the third great Buddhist council in Kashmir

[1]Francis Younghusband, *Kashmir*, pp. 120-21.
[2]M.A. Stien, *Rajatarangini*, Vol. I, p. 104.

which drew up the northern canon or "Greater vehicle of the Law," and Hiuen Tsiang on his visit to Kashmir in the seventh century still found local traditions about that king. According to Kalhana, the eminent Buddhist teacher Nagarjuna lived in Kashmir at the time. Kanishkapura, Huskapura, and Juskapura which the three kings founded are still in existence.

TERROR OF THE EARTH

The king whose name is recalled with dread in the valley is Miharakula (515 A.D.), the "white Hun" and the "the killer of three crores." Blood-curdling tales are told about the cruel king who had "no pity for children, no compassion for women, no respect for the aged." Thrilled with delight by hearing the cry of an elephant which had fallen over a precipice, Miharakula ordered a hundred elephants to be rolled down by force. On another occasion a rock having blocked a river which was being diverted, the king was told in a dream that the rock could only be moved by a chaste woman. Many women of good birth tried but in vain, and yet the rock moved when touched by a potter's wife. The king flew into a rage over so much unchastity in his land and ordered them to be killed, together with their husbands, brothers, and sons. A "man of violent acts and resembling death," it is said that the people were warned of his approach by the vultures which were always seen flying ahead eager to feed on those who were slain by his army. "That a king of such wickedness was not killed by a rising of his subjects," comments Kalhana, "can only be due to his having been protected by the gods who caused him to act in this manner."[3] After ruling the land for seventy years "this terror of the earth" immolated himself in the flames. And yet he was a devout king and founded a shrine of Shiva.

In pleasant contrast, Gopaditya performed many acts of piety, including the construction of a temple on the Shankracharya hill near Srinagar, known by its ancient name of Gopadri. Meghavahana, a pious ruler, prohibited the killing of animals, even in sacrifices, and built many Buddhist temples. The name of Matrgupta is of interest, as it would appear that he was appointed king of

[3] *Ibid.*, p. 324.

Kashmir by the great monarch Vikramaditya of Ujjain. He was a poet, though a poor one.

The modern Srinagar is said to have been founded by Pravarasena II under the name of Pravarapura. This capital existed at the time of Hiuen Tsiang's visit to Kashmir in 631 A.D. The great temple of Shiva Pravaresvara which the king had built was still extant in Kalhana's time. The capital had markets, mansions "which reach to the clouds," and streams meeting at pleasure-residences and near market streets, with a pleasure hill in the centre of the city from which all the houses could be seen in their splendour, a description which is still true of Srinagar.

However, under Durlabhavardhana, the first king of the Karkota dynasty, Kashmir enjoyed considerable political power. Hiuen Tsiang found all adjacent territories on the west and south of the land, down to the plains, subject to the rule of the king of Kashmir. The country appeared to be peaceful and prosperous. Chandrapida, his grandson, was, according to Kalhana, a man of noble character with a high sense of justice.

A GREAT BUILDER

A king remembered best in Kashmir is Lalitaditya (724-760 A.D.), a powerful ruler "asserting his power far beyond Kashmir and the adjacent territoies."[4] With the reputation of a great builder, of towns and temples, Lalitaditya ushered in a glorious period in the history of Kashmir. "It is no longer possible to trace with certainty the sites and remains of all the towns and structures which owed their existence to Lalitaditya," writes Stien. "But those among them which can be identified justify by their extant ruins the great fame which Lalitaditya enjoyed as a builder. The ruins of the splendid temple of Martanda, which the king had constructed near the Tirtha of the same name, are still the most striking object of ancient Hindu architecture in the valley. Even in their present state of decay they command admiration both by their imposing dimensions and by the beauty of their architectural design and decoration."[5]

Martanda is not only the pinnacle of Kashmir architecture but

[4] *Ibid.*, p. 88.
[5] *Ibid.*, p. 92.

was "built on the most sublime site occupied by any building in the world—finer far than the site of the Parthenon, or of the Taj, or of St. Peters or of the Escurial—we may take it as the representative or rather the culmination of all the rest and by it we must judge the Kashmir people at their best."

> On a perfectly open and even plain gently sloping away from a background of snowy mountains looking directly out on the entire length both of the smiling Kashmir valley and of the snowy range which bound it—so situated in fact to be encircled by, yet not overwhelmed by, snowy mountains—stand the ruins of a temple second only to the Egyptians in massiveness and strength and to the Greeks in elegance and grace. It is built of immense rectilinear blocks of limestone, betraying strength and durability. Its outlines and its details are bold, simple and impressive. And any over-weighing sense of massiveness is retrieved by the elegance of the surrounding colonnade of graceful Greek-like pillars. It is but a ruin now, but yet, with the other ruins so numerous in the valley and similar in their characteristics, it denotes the former presence in Kashmir of a people worthy of study. No one without an eye for natural beauty would have chosen that special site for the construction of a temple and no one with an inclination to the ephemeral and transient would have built it on so massive and enduring a scale.[6]

Kalhana describes at length the series of great temples built by the king at the town of Parihasapura which he had founded as his residence. The numerous shrines and images erected during his reign throw light on the religious conditions of Kashmir at the time Buddhism was in a flourishing condition, as it is clear from Ou-Kong who visited Kashmir (759-763 A.D.), probably only a few years after Lalitaditya's death, and the number of Buddhist temples and shrines was considerable.

Lalitaditya or Muktapida, a contemporary of Charlemagne, built canals and reclaimed large areas of swamp land by drainage. This mighty monarch, when intoxicated, could issue cruel orders and once in such a mood ordered the burning down of Srinagar,

[6]Younghusband, *op. cit.*, p. 118.

his own capital. His courtiers were nonplussed but eventually decided to have some haystacks set on fire. As he saw the conflagration, the king convulsed with joy and laughter. Afterwards praising the ministers for their wise action, he told them not on any account to carry out an order which he might give while drunk.

Machiavellian in administration, he laid down the following principles of government:

> Those who wish to be powerful in this land must always guard against internal dissension.
>
> Those who dwell there in (the mountains) difficult of access, should be punished even if they give no offence; because sheltered by their fastnesses they are difficult to break up if they have (once) accumulated wealth.
>
> Every care should be taken that there should not be left with the villagers more food supply than required for one year's consumption, nor more oxen than wanted for (the tillage) their fields.
>
> Because if they should keep more wealth, they would become in a single year very formidable Damaras and strong enough to neglect the commands of the king.
>
> When once the villagers obtain clothes, women, woollen blankets, food, ornaments, horses, houses such as are fit for the town; when the kings in madness neglect the strong places which ought to be guarded; when their servants show want of discrimination; when the keep of the troops is raised from a single district; when the officials are closely drawn together by the bonds of intermarriage; when the kings look into the offices as if they were clerks—then a change for the worse in the subjects' fortune may be known for certain.[7]

From conquered countries Lalitaditya brought "learned men and skilled artisans" and devoted himself to great works. "Lalitaditya was a glorious conqueror and his advice to people has a ring of prophesy."[8]

[7]M.A. Stien, *Rajatarangini*, Vol. IV, pp. 345-52.
[8]Walter Lawrence, *The Valley of Kashmir*, p. 187.

From this time for many centuries onwards till the time of Akbar, as Younghusband remarks, the tide of conquest and political influence was to turn and instead of more advanced and masterful races from the direction of India spreading their influence over Kashmir, it was from Kashmir that conquerors were to go forth to extend their sway over neighbouring districts in the Punjab.[9] Lalitaditya was "the most conspicuous figure in Kashmir history, and raised his country to a pitch of glory it had never reached before or attained to since."[10]

After Lalitaditya, the royalty fell on evil days, and the immediately adjoining hill-tracts threw off the Kashmir suzerainty in a succession of weak rulers. One of them was Jayapida who "could not restrain his will." From his time the kings of Kashmir "became habituated to looking at the faces of their officials" for guidance and to following the directions of their servants. Learning, which brings tranquilty, led Jayapida, states Kalhana, to wickedness. For three years he took the whole harvest, including the cultivator's share. "The fishes of the sea and kings are alike: the former think the cloud liberal when it sends down some drops from their own water which had been drawn up. The latter too, alas, believe inwardly in the faithful services of the wicked tribe of officials when it gives up a few trifles after openly looting everything."[11] Jayapida made himself thoroughly unpopular with the Brahmans by his fiscal exactions. This led many Brahmans to seek death by voluntary starvation.

More than a century passed before the downward process was reversed by another gifted king, Avantivarman (855-883 A.D.) who brought a period of consolidation for the land. Prosperity returned and the king built a large number of temples as well as the town of Avantipura on the right bank of the Jhelum seventeen miles from Srinagar on the Srinagar-Jammu highway, where he built a temple dedicated to Vishnu. "These ruins, though not equal in size to Lalitaditya's structures, yet rank among the most imposing monuments of ancient Kashmir architecture, and sufficiently attest the resources of their builder."[12]

[9]Younghusband, *op. cit.*, pp. 124-5.
[10]*Ibid.*, p. 125.
[11]Stien, n. 7, pp. 623-30, 657.
[12]Stien, n. 2, p. 97.

WIZARD IN ENGINEERING

The reign of the king is also known for its engineering operations for the drainage of the valley and its irrigation. The credit for this goes to Suyya who by the systematic regulation of the course of the Jhelum, then called Vitasta, down to Baramulla where it leaves the valley, largely reduced the water-logged area along the banks of the river and the damage to the crops caused by floods. New beds were constructed for the river at points subject to inundation-breaches. The river was diverted into the Wular lake from where it flowed into the gorge below Baramulla. This released a large area in the valley for new crops and brought down the price of rice from 200 Dinaras a khari to 36 Dinaras. Suyya also changed the course of the Sind river.

A story is told about the strategem which Suyya employed to deepen the bed of the Jhelum to prevent floods. Obtaining money from the king, Suyya threw it into the river at selected points where rocks, rolling down from the mountains, had obstructed the flow of water. No sooner the money was thrown into the water than the villagers began to search for it, dragging out the rocks and clearing the bed of the river, thereby draining off the water. He then had stone walls constructed to protect the river from further rocks.

Suyya built a town which bore his name, Suyyapura, the modern sopore and prohibited by his own authority the killing of fish and birds on the lake. "Altogether Suyya stands out as a person hundreds of years in advance of his time."[13] On the land, which he raised from the water, were founded villages by Avantivarman and others. The king "conformed to the pleasures of his minister," Sura, who revived learning by honouring scholars and poets and experts in various other fields. "Avantivarman's eventful rule was marked with internal peace and material prosperity to the country. Under him the arts of peace flourished and the rights of humanity were respected. He paid minute attention to everything that tended to promote the well-being of the population."[14]

The next king, Samkaravarman (883-902 A.D.), the son of Avanti-

[13]J.P. Ferguson, *Kashmir: A Historical Introduction*, Centaur Press, London, 1961, p. 19.
[14]P.N.K. Bamzai, *A History of Kashmir*, Metropolitan Book Co. (Private) Ltd., Delhi, 1962, p. 125.

varman, a great conqueror, robbed what the temples possessed and in his avarice subjected the people to relentless oppression. A gambler and debauche, Samkaravarman, introduced new imposts and made excessive demands for forced labour on the cultivators. The manner in which the king raised the State revenues shows, according to Stien, that "the elaborate system of taxation which was maintained in Kashmir until quite recently, had been fully developed already in Hindu times."[15]

Then began a period of civil war, instability, depravity, and licentiousness in which intrigue and murder speeded up the succession of kings and pretenders, and which was cut short by a woman, Queen Didda, who was a virtual ruler of Kashmir for close on half a century. A granddaughter of King Bhim Shahi* of the Hindu Shahi dynasty of Kabul and married to King Kshemagupta, "a youth grossly sensual and addicted to many vices," Didda had an unusual strength of character. Her lust for power was insatiable. After the death of her husband and her son, she destroyed his

[15]Stien, n. 2, p. 100.

*The following extract (*The Ancient Civilization of India* by Maurizio Taddei, Barrie and Jenkins, London, 1970, pp. 198-9) shows the relationship between the Shahi dynasty and Kashmir and its influence on art in Kashmir: "In the area Between Kabul and Kashmir the dominant power apart from the kingdom of Kashmir, was the kingdom of the Shahi dynasty—first the Turki-Shahis of Kabul and then the Hindu Shahis Ubadhandapura (Hund) who supplanted the earlier dynasty about the end of the 9th century and were in turn overthrown a century later by Sabuktigin and Mahmud of Ghazni. The Shahi culture which had close connections with the culture of Kashmir is only becoming known to us through chance finds . . . of equal interest are the small bronzes of Kashmir and Swat usually a subject matter drawn from the Tantric Buddhism, which have been the subject of a systematic review by Douglad Barrett. These often show precise stylistic parallels with the rather crude carvings on rock faces or on stelae typical of Swat, which can accordingly be dated to the 8th-9th century. Unfortunately the material has not yet been found in a stratigraphic context; and this is true also of the small portable pieces of sculpture in schist, probably produced either in Shahi territory or in Kashmir which recall certain Kashmir work of an earlier period, like the terracotta decoration from Harvan (4th century), which in turn is distinguished by a certain spirit of innovation from corresponding work found at Ushkur and Akhnur, even though this is later . . . ivory carving also flourished in Kashmir. We need think only of the magnificent pieces in the Prince of Wales Museum of Western India, perhaps dating from the Gupta period (5th-6th century) which foreshadow the final stylistic developments found in the latest phase of Kashmir and Shahi art."

young son Nandigupta who had ascended the throne, another grandson and one more of her male issue. She "put down all rivals, executing all captured rebels and exterminating their families to the last babe." Finally, she married a herdsman, Tunga, who had found his way into Kashmir as a letter-carrier. Didda now ascended the throne and for twenty-three years ruled the land with tact and firmness. "The statesmanlike instinct and political ability which we must ascribe to Didda in spite of all the defects of her character are attested by the fact that she remained to the last in peaceful possession of the Kashmir throne, and was able to bequeath it to her family in undisputed succession."[16] Tunga became Prime Minister and although discontented elements tried to stir up rebellion, Didda's "cunning diplomacy and bribes and Tunga's valour" each time defeated those attempts.

On her death, Tunga, together with his son, met the fate to which he had subjected many others. Both were killed in the palace.

The people found some relief in Yasakara's reign whose administration won Kalhana's esteem for its wisdom, who showed judicial capacity, for example, in the interpretation of legal contracts. Samgramadeva, "the crooked-footed" (948-949 A.D.) occupied the throne only for a few months. The minister Parvagupta who followed him was descended from a humble family of civil servants and died within a year and a half of his accession (949-950 A.D.).

Ananta (1028-63 A.D.) showed great personal bravery on occasion. He not only put down a rising of Damaras but also repelled a Dard invasion from the north. With the passage of time the influence of his able and pious queen Suryamati began to prevail upon him. However, his extravagant habits involved him heavily in debt with foreign traders. One of them held for a time the royal diadem and throne in pawn. Incidentally, he acted as the Kashmir agent to King Bhoja of Malwa. "It shows that, notwithstanding the political isolation of Kashmir and the Mohammadan conquest of the regions to the south, regular intercourse and trade with the Hindu kingdoms of India proper must have continued."[17] When Queen Suryamati assumed full charge of the royal affairs, the king was freed from his financial burdens.

After a period of disorders, Harsa (1089-1101 A.D.), "the most

[16]Stien, n. 2, p. 106. [17]*Ibid.*, p. 109

striking figure among the later rulers of Kashmir," became king. He was born "from atoms of light," according to Kalhana, and at the gate of his palace at which people from various nations presented themselves, the riches of all countries seemed always to be piled up. Gifted with liberality, he patronized art and learning and his palaces shone in splendour.

> Kalhana pictures to us King Harsa as a youth of powerful frame and great personal beauty, courageous and fond of display. He was well-versed in various sciences and a lover of music and arts. The songs which he composed were still heard with delight in Kalhana's days. The chronicler in an eloquent passage emphasises the strongly contrasting qualities of Harsa's mind and the equally strong contrasts in his actions. Cruelty and kind-heartedness, liberality and greed, violent self-willedness and reckless supineness, cunning and want of thought—these and other apparently irreconcilable features in turn displayed themselves in his chequered career. Kalhana has hit the keynote in Harsa's character when he insists on the excessiveness with which all these qualities asserted themselves.[18]

A NOVEL TAX

When his reign began he showed forbearance and adopted a prudent policy. The splendour of the court caught the fancy of Kalhana according to whom Harsa introduced elaborate fashions in dress and ornaments. His munificence towards men of learning and poets was widely known. And yet, it is said, his mind was perverted by foolish ministers. He squandered riches, placed three hundred and sixty women of doubtful character in seraglio, and plundered from all temples the treasures which former kings had bestowed upon them, and defiled the sacred images. Even night soil became the object of special taxation. "While this misgovernment spread discontent and misery through the land, Harsa abandoned himself more and more to excesses and follies of all kinds. Extravagant acts recorded by Kalhana show the ascendency gained over him by shameless parasites and impostors, and furnish unmistakable

[18] *Ibid.*, p. 112.

proof of the king's incipient insanity. Equally characteristic for the latter are, perhaps, the numerous acts of incest which he committed with his own sisters and his father's widows."[19] In 1099 A.D., a plague raged followed by a disastrous flood which brought on famine. Rebellion raised its ugly head. Eventually, the king fled from the palace at night in pouring rain and sought refuge in a mendicant's hut where he died fighting the soldiers who had been sent by Uccala. His son, Bhoj, had already met his death.

It is worth mentioning that Kalhana's father, Champaka, served as Minister of Harsa, being responsible, in fact, for the defence of the State's frontiers. Champaka remained loyal to his sovereign but was not present when the end came, having been entrusted with a mission by the doomed king.

The honest Uccala (1101-11 A.D.) who succeeded him "from kind-heartedness allowed robbers to rise to high posts in rememberance of their past services, just as the sandalwood tree allows the snakes to climb up on it." His was a land without treasures. He was a liberal king, a capable and fairly energetic ruler, showing considerable regard for the common people. Uccala was murdered and the reign of Radda-Sankharaja did not last longer than a night when he was murdered by the leading Damara of the Lahara district, Gargachandra, who became the "king maker." The same Damara helped Sussala (1112-20 A.D.) to overthrow Salhana (1111-12 A.D.). The new king was harsh and cruel and was given to hoarding treasures and eventually had to flee for safety but returned to Srinagar only to be murdered by a treacherous baron.

The throne changed hands from time to time, largely by murder, pretenders fought with one another, and political instability led to economic dislocation. When Jayasimha (1128-49 A.D.) became king, the feudal barons were too independent to allow much authority to the sovereign. "This condition of things continued for centuries after Kalhana's time, far into the Mohammdan period, and its recollection still lingers in the tradition of the agricultural population of Kashmir."[20] With diplomacy and intrigue Jayasimha managed to rule for twenty-seven years, although his weak and vacillating nature permitted favourites to dominate him.

Kalhana wrote the introduction of his chronicle in 1148-49 A.D.

[19] *Ibid.*, pp. 113-4. [20] *Ibid.*, p. 124.

and completed his work in the following year. For a century and a half the land had suffered from unrest and rebellion. The Hindu rule, according to Jonaraja, continued for another two centuries "though the princes were weak and helpless and material prosperity of the valley more and more fading."[21] In the reign of Simhadeva Kashmir was invaded by Zulkadar Khan, the Tartar "who slaughtered the people, took slaves and set fire to the city Srinagar."[22] Having depopulated the State and finding provisions scarce, Zulu tried to get out of Kashmir but was overtaken by snow in which he and his army perished. Meanwhile Ram Chand, the commander-in-chief of Simhadeva, tried to restore order in the valley. He was assisted by Rainchan Shah, the son of the king of Tibet from which he had fled after a quarrel with his father, and Shah Mirza, another adventurer from Swat. The association was not destined to last long for Rainchan Shah killed Ram Chand and marrying his daughter Kota Rani, seized the throne. Unable to become Hindu because of caste restrictions, he embraced Islam with the name of Sadr-ud-Din, and built the Jama Masjid and a great shrine for Bulbul Shah.

His reign lasted three years. After his death, he was succeeded by Udyanadeva, a brother of Simhadeva who married his widow Kota Rani. A weak king, he nevertheless reigned for fifteen years when on his death, his widow assumed powers. However, Shah Mirza (or Shah Mir as he is generally known), who had been consolidating his position, now proclaimed himself king (1343 A.D.) and proposed marriage to Kota Rani. The queen, the last representative of Hindu dynasty, committed suicide and Shah Mir became the first Salatan-i-Kashmir under the name of Shams-ud-Din.

SALATAN-I-KASHMIR

The Hindu period, according to Lawrence, must from certain points of view have been one of great magnificence.

> With the plunder of conquest splendid temples and fine public works were constructed, and their ruins show that Kashmir in those days was endowed with noble buildings, while the potsherds of ancient cities on the Karewas and elsewhere suggest that the valley must have been very thickly populated. About the condition of the people little is known, but as Hindus living under Hindu kings their lot must have been fairly happy, and irrigation canals testify that the Rajas did not spend all their wealth on temples, but had some thought for the cultivators.

[21] *Ibid.*, p. 130. [22] *Ibid.*

Sikandar who succeeded Shah Mir earned for himself the nickname of Butshikan or iconoclast. Driven by fanaticism, he ordered the wholesale destruction of Hindu temples which were razed to the ground. A special establishment was set up to demolish the impressive temples at Martanda. When these efforts failed the temples were set on fire and the great buildings defaced. Having wreaked his vengeance on Hindu temples, says Lawrence, Sikandar turned his attention to the people who had worshipped in them and he offered them three choices: death, conversion or exile. Those who could not flee were converted and many were killed and it is said that this mad monarch burnt five hundredweight of sacred threads of the murdered Brahmins. An enemy of Knowledge, Sikandar sank all books of Hindu learning on which he could lay his hands in the Dal Lake.[23] Wine and music were strictly prohibited.

His son Zain-ul-Abdin, on the other hand, was as different from his father as was Aurangzeb from Akbar, though the relationship is not parallel. For fifty-two years under his reign the valley not only enjoyed peace but a great development in arts, crafts, and irrigation. He built bridges and canals, planted gardens, and raised a great causeway from Andarkot to Sopor. "The great king was the patron of letters, of the fine arts and of pyrotechnics. He introduced many art manufactures from foreign countries, and his court was thronged by poets, musicians and singers."[24]

It is a generally accepted fact that up to about the beginning of the fourteenth century the population of the valley was Hindu, and that about the middle and end of the century the mass of the people converted to Islam, through the efforts of Shah-i-Hamdan and his followers and the violent bigotry and persecution of king Sikandar the iconoclast. "Tradition affirms that the persecution of the Hindus was so keen that only eleven families of Hindus remained in the

[23] Lawrence, *op. cit.*, pp. 190-1
[24] *Ibid.*, p. 192.

valley. Their descendents are known by the name of Malmas, as distinguished from the fugitives and the Hindus of the Deccan, who came to Kashmir later on and are known as the Banamas."[25]

NEW INDUSTRIES

Among the industries which Zain-ul-Abdin introduced into the State were carpet, papier mache, silk, and paper-making. A century after Zain-ul-Abdin's death, Mirza Haidar of Kashghar, who brought Kashmir under his virtual rule, wrote in his Tarikh-i-Rashidi: "In Kashmir one meets with all those arts and crafts which are in most cities uncommon, such as stone-polishing, stone-cutting, bottle-making, window-cutting, gold-heating, etc. In the whole Maver-ul-Nahr (the country beyond the river Oxus, i.e. Khorasan) except in Samarkand and Bokhara, these are nowhere to be met with, while in Kashmir they are even abundant. This is all due to Zain-ul-Abdin."[26] Zain-ul-Abdin not only planted gardens wherever he went, but built many towns, villages, canals and bridges which to this day bear his name. "The long and peaceful reign of Zain-ul-Abdin," comments Stien, "was productive of important irrigation works. Jonaraja's and Srivara's chronicles give a considerable list of canals constructed under the Sultan." One of his engineers, Damara Kach, as mentioned by Jonaraja, paved a road with stones, thus making it fit for use in the rainy season. The king encouraged wooden architecture and according to Mirza Doghlat in the Tarikh-i-Rashidi, the palace of Rajdan, twelve stories high, was a unique building in the East. He also established schools, colleges, and a residential university. He established a library at considerable expense and encouraged charitable institutions. "The king caused rest houses for travellers to be built at the outskirts of villages," records Jonaraja, "and they were supported by the villagers; he caused shelters to be built in the forests."

His influence was of a far-reaching character and he stamped the many facets of life in Kashmir with the seal of his personality.

Zain-ul-Abdin turned Kashmir into a smiling garden of industry inculcating in the hearts of the people some conceptions of labour

[25] *Ibid.*, p. 302.
[26] *Keys to Kashmir*, p. 54.

and life and also implanting in their minds the gems of real progress. He introduced correct measures and weights and made artisans and traders take solemn oaths (which in those halcyon days one could not easily break) not to kill the golden goose by cheating and swindling. He thus promoted commercial morality and integrity and industrial righteousness—qualities which constitute the backbone of a people's credit and reputation. It was through these virtues that the Kashmiris successfully carried on their shawl and other trades worth crores of rupees annually with distant corners of the globe at a period when Kashmir was an isolated country and communications with the outside world were very difficult.[27]

Jonaraja records that the judges who were accustomed to take bribes from the plaintiffs and the defendants were severely dealt with and corruption among civil servants was stamped out. Similarly crime was ruthlessly put down. As poverty bred crime, the king provided suitable opportunities of employment. In order to prevent fraudulent transactions in property, a system of proper registration was introduced. He provided his subjects with a code of laws and had them engraved on copper plates which were exhibited in markets and halls of justice. His impartiality was proverbial. "Though the king was kind-hearted," writes Jonaraja, "yet for the sake of his people he would not forgive even his son or minister or a friend if he were guilty." Because of conditions of lawlessness, much of the land was left uncultivated. Zain-ul-Abdin revised the land-assessment in favour of the cultivator and protected him by prohibiting revenue officers from accepting any gifts from them.

The Chaks who, it is said, came from the north were Shiahs and for the first half of the sixteenth century increased their power and tyranny over the Sunnis and Hindus whose representations to Akbar brought the Moghul army to Kashmir, and from 1586-87 the valley passed from the period of the Sultans of Kashmir into the hands of the Moghul Emperors. Akbar built the great fort on the Hari-Parbat hill and he is said to have done this to encourage the Kashmiris who had fled because of the Chaks' atrocities, to return to the valley. His revenue minister Todar Mal settled the

[27] Pandit Anand Koul, *Jammu and Kashmir State*, p. 37.

revenue arrangments of the valley. But it was Jehangir, the son of Akbar, who really loved Kashmiris and who when asked at his death bed at Bahramgalle whether he wanted anything, replied "only Kashmir." It was he who had chenar trees planted throughout the valley and pleasure gardens built. In the vicinity of the Dal lake there were 777 gardens in the Moghul times and the roses and the bed-musk yielded a revenue of one hundred thousand annually. The Emperor Shah Jehan kept up the tradition set by Jehangir and was a great builder of pleasure-places. With the decay of the Moghul Empire, the central authority weakened in Kashmir, and the Governors became independent and high-handed. In the reign of Emperor Mohammed Shah the Hindus were subjected to great oppression and they were forbidden to wear turbans.

SAVAGE PIETY

In 1752-54, a new curse fell upon the valley when it passed into the hands of the Pathans who proved to be the cruellest masters the valley had ever seen. It was said of them that they thought no more of cutting off heads than of plucking a flower.[28] With their arrival the State entered a new and terrible phase of persecution and fanaticism. One of the Governors, Asad Khan, was described by Forster.

> That you may form some specific knowledge of the character of this, let me call him, infernal despot, I will mention some facts which were communicated during my residence in the province. While he was passing with his court, under one of the wooden bridges of the city, on which a crowd of people had assembled to observe the procession, he levelled his musket at an opening which he saw in the pathway, and being an expert marksman, he shot to death an unfortunate spectator. Soon after his accession to the government, he accused his mother of infidelity to her husband, and in defiance of the glaring absurdity which appeared in the allegation, as well as the anxious entreaties of the woman who had borne him to save her from shame, she was ignominiously driven from the place; and about the same time, on a little pretence, he put one of his wives to death. A film on one of his eyes had baffled the attempts of many operators, and being impatient at the want of success, he told the last surgeon who had been called in, that if the disorder was not remedied within a limited time, allowing but a few days, his belly should be cut open; the man failed in the cure and Asad Khan verified his threat.[29]

[28]Younghusband, *op. cit.*, p. 141.

Asad Khan boasted that the savage Nadir Shah was his prototype. His victims included Brahmans, the Shiahs, and the Bombas of the Jhelum valley. The Brahmans used to be tied, back to back in grass sacks and thrown into the Dal Lake. As an amusement, a pitcher filled with odure would be placed on a Brahman's head and Muslims would pelt the pitcher with stones till it broke, the unfortunate victim being blinded with filth. Growing a beard was made compulsory for Brahmans, but the wearing of turbans and shoes forbidden. The poll tax on Hindus was reimposed and many Brahmans either fled the country, were killed, or converted to Islam.

He was succeeded by Madad Khan, and there is a well-known proverb—"Zulm-i-Asad ra rasid madad"—which means that Madad out-Heroded Asad. One Pathan ruler used leather sacks instead of grass sacks for the drowning of Brahmans. Shiahs and Brahmans were drowned indiscriminately.

Atta Mohammed Khan was a ferocious libertine, and his agent, according to Lawrence, was an old woman named Khosib who was the terror of the Brahman parents. To save their daughters from degradation, Brahman parents destroyed their beauty by shaving their heads and cutting their noses.

"It would be wearisome to recount instances of the brutal cruelty of the Pathans, but at least the oppression became so unendurable that Kashmir turned with hope to the rising power of Ranjit Singh, the Lion of the Punjab."[30] A force was sent up to Kashmir by the Pir Panjab route and the libertine governor yielded Kashmir. However, the Pathans were not thrown out of Kashmir until 1819 when the State passed into Sikh hands.

[29]George Forster, *A Journey from Bengal to England, Through the Northern Part of India, Afghanistan and Persia, and into Russia by the Caspian Sea*, London, 1808.

[30]Lawrence, *op. cit.*, pp. 197-8.

In the period of the Salatan-i-Kashmir there is little that is "healthy or pleasant" except the period of Zain-ul-Abdin.

> The rise of the Chaks to power cannot be regarded as the brave struggle of a national party, for they were in all probability as much foreigners as the Moghuls or Pathans, and in civilization they were the inferiors of both. The Moghul period, if the bad times of one or two cruel subahs be excluded, must have possessed many elements of happiness for the people .... When, however, we pass from the Moghul period to the period of the Shahani Durani we pass to a time of brutal tyranny, unrelieved by good works, chivalry and honour. Men with interest were appointed as governor, who wrung as much money as they could out of the wretched people of the valley. Wealth had to be accumulated rapidly, as no one knew how many days would elapse before he was recalled to Kabul, to make room for some new needy favourite of the hour.[31]

With the conquest of the Punjab by the British Jammu and Kashmir passed into the hands of Gulab Singh, the first of the Dogra rulers who was "a man of great vigour, foresight and determination." In their campaign against the British, the Sikhs sought the help of Gulab Singh who had already served as governor in Jammu under Ranjit Singh. Gulab Singh agreed to help them in bringing about a settlement with the British. When the Sikhs lost the battle of Sobraon in 1846, it was Gulab Singh who negotiated with the British. Under the Treaty of Amritsar (see Appendix-1), the British transferred the hilly or mountainous country east of the river Indus and west of the river Ravi to him and his heirs. In consideration of this transfer Gulab Singh paid to the British a sum of Rs 7,500,000. "Thus Kashmir," observes Lawrence, "after five generations of Musalman rule, passed again into the hands of the Hindus. It must have been an intense relief to all classes in Kashmir to see the downfall of the evil rule of the Pathans, and to none was the relief greater than to the peasants, who had been cruelly fleeced by the rapacious Sirdars of Kabul. I do not mean to suggest that the Sikh rule was benign or good, but it was at

[31] *Ibid.*, pp. 196-7.

any rate better than that of the Pathans."[32] Ladakh and Baltistan had already been conquered by Gulab Singh's brilliant commander Zoravar Singh. By the end of the nineteenth century territories to the north of the Kishenganga were brought under the control of the ruler.

The traveller Vigne said of Gulab Singh in 1839 as feared for his tyrannical exactions, which, remarked Younghusband, "were very common and it would almost appear necessary characteristics of strong rulers in those unruly times."[33] He repressed opposition and crime with a stern hand, and was universally feared and respected by his subjects. "He brought the principle of a personal rule to perfection.... The State was Maharaja Gulab Singh, and as he spent much of his time in Kashmir, and was an able, just and active ruler, and a fairly wise landlord, the condition of the people improved, and after many years some confidence was inspired in the permanence of administration."[34]

He was succeeded in 1856 by his third son Ranbir Singh "who was a model Hindu prince devoted to his religion and to Sanskrit learning." Pratap Singh who succeeded Ranbir Singh in 1885 did "much to change and improve the position of his subjects." His "kindness to all classes in Kashmir has won him the affection of his people."[35]

The condition of Kashmir under the Sikhs, states Ferguson, was undoubtedly an improvement on that under the Afghans. The Hindus to whom the Sikhs are in many ways very near, benefited most and the disabilities under which they had been unable to practice the rites of their religion were removed. "It was now the turn of the Muslims to suffer. Mosques were closed, the call to prayer was forbidden and capital punishment was meted out for the killing of a cow."[36] This was harsh, but there was no reconversion, murder or exile, much less drowning in the Dal lake.

Crime was almost unknown, discloses Lawrence. Before he commenced the settlement of Kashmir, there were no records or maps to indicate what man's holding in land amounted to or what

[32] *Ibid.*, pp. 198-9.
[33] Younghusband, *op. cit.*, pp. 146-7.
[34] Lawrence, *op. cit.*, pp. 201-2.
[35] *Ibid.*, p. 202.
[36] Ferguson, n. 13, p. 49.

his revenue liabilities were. The area of holding was not ascertained by measurement, but was calculated by the amount of seed required for each field. The headman and influential villagers were apparently able to cultivate with far less seed than their poorer brethren, and, in consequence, their holdings were according to official papers much smaller and their land revenue much lighter than that of men who in reality held only a fraction of the areas possessed by the powerful members of the village. As in other parts of India the chief revenue of the State was drawn from the land. In the early Hindu period the State was content with one-sixth of the produce of the land. In the time of the Sultans the State took one-half. Their Moghul successors, who found the valley in a ruined condition, considered that one-half the produce of the country would not suffice for the wants of the city population and accordingly decreed that the cultivating classes should dispense with the grain for three months and should live on fruits, and the State's share was from that time three-quarters of the produce of the land. Until 1860 the State took three-quarters of rice, maize, millets, and buckwheat, and of oilseeds, pulses, and cotton the share taken was nine-sixteenths.[37]

The early Dogra rule has come in for much criticism at the hands of Pakistan politicians. Lawrence who was much closer to the times held a different view. "It is difficult to realise the change which has come over Kashmir in the short period of Dogra rule—a period of less than fifty years. Anarchy and constant warfare had been succeeded by complete peace."[38]

[37] Lawrence, *op. cit.*, pp. 399-403.
[38] *Ibid.*, p. 202.

CHAPTER THREE

RUDIMENTS OF POPULAR CONTROL

OBVIOUSLY DEMOCRACY, as it is known today, did not exist in ancient or medieval Kashmir. Until quite recently, there were no legislatures, no general elections, no government responsible to an elected assembly of popular representatives, no fundamental rights, no independent judiciary. The king followed king and his word was law, if he was in a position to enforce it. Quite often he ruled in name, the real power being wielded by his minister or ministers or hangers-on who with his help seized wealth, squandered revenues on luxury and licentiousness. Unlike some other parts of India, there was no tradition of republican sentiments or institutions. The endless succession of kings in the history of Kashmir is as bewildering as generally their tragic incapacity to rule, palace activities being devoted largely to intrigue, dissolution, and assassination.

In this respect Kashmir was different from many other parts of India. In the Mauryan Empire, Pataliputra, for instance, had an elected municipal council to manage its affairs. Six committees, each consisting of five members, dealt with the industries and handicrafts of the city, arrangements for travellers and pilgrims, deaths and births for taxation purposes, manufactures and other matters. The whole council looked after sanitation, finance, water supply, gardens, and public buildings. What is more, there were panchayats for administering justice and courts of appeal. If Kashmir had also such institutions, one seeks in vain for any reference to them in the chronicles. However, kingship in Kashmir, as elsewhere in India, meant service of the people. And if the king misbehaved, his people had the right to remove him and put some one else in his place, as driven to desperation they did from time to time.

And yet from the earliest times, there were rudiments of control over the ruler's propensity for power and pleasure. Without some

such restraint, organized life would have been impossible, as indeed it was when the restraining elements in society could not resist the temptation of plunder and misuse of power. The control took various forms. Sometimes it was exercised by one or another important constituent of the administration, sometimes by a non-official organization, and sometimes by a powerful group in the society. How sovereign authority was shared by the king and one of these forces is illustrated by the shifting kaleidoscope of Kashmir's history. The weaker the king the greater the authority exercised by his queen, minister or a group, and more often exercised to the point of abuse, although there were occasions when it was used with independence and propriety. Sometimes the control was oligarchical, the ministers preventing or ending an objectionable succession, more often it was exercised by the civil servants (Kayasthas), the foot soldiers (Tantrins), or the army.

The foot soldiers who served as palace guards were nearer the king. These have survived in the kram name Tantr borne today by a considerable section of the Muslim agriculturist population of Kashmir. The Tantrins were a military caste of strong organization. They were at the height of power between 906 A.D. and 936 A.D. They were true praetorians who formed subsequently an important and often troublesome element in the army in which they served chiefly as foot soldiers. Distinguished from the mounted forces, they figured as royal guards.

In 904-906 A.D. when the posthumous son of Gopalavarman died soon after birth, the rule of the land became difficult owing to the growing turbulence of the Tantrins who during this and the succeeding weak reigns assumed the position of true praetorians. The queen, Sugandha, endeavoured to place on the throne Nirjitavarman, nicknamed Pangu, "The Lame," who was descended from Suravarman, the half brother of Avantivarman. But the Tantrins overruled the queen's council and by open rebellion obtained the crown for Partha, the child of Nirjitavarman (906 A.D.).[1]

For fifteen years during the nominal reign of Partha, the Tantrins ravaged the country. Nirjitavarman who acted as his son's guardian could maintain himself only by paying heavy bribes to them. In the exactions by which the Tantrins harassed the people, the

[1]M.A. Stien, *Rajatarangni*, Vol. I, p. 101.

soldiers were helped by unscrupulous ministers. When queen Sugandha who had been banished from the court tried to recover her power in 914 A.D. she was defeated by the Tantrins who made her a prisoner and executed her. Stien describes the activities of this rapacious and unscrupulous group. The Tantrins deposed Partha in 921 A.D. in favour of his father Nirjitavarman who was succeeded two years later on his death by Chakravarman, the child-son of Nirjitavarman. In 933-34 A.D. the Tantrins rebelled and raised his half brother Suravarman I to the throne. On the failure of the new king to pay the large sums which the troops claimed, he was deposed in favour of Partha who enjoyed his rule only for a short time. In 935 A.D. when Chakravarman offered great bribes to the Tantrins he was restored only to flee within the same year when he failed to make his promise good. The Tantrins now sold the crown to the minister Sambhuvardhana.[2] "The kings were in the service of the Tantrins and ousted each other, like village officials, by offering greater and greater bribes," pungently observes Kalhana.[3]

Another military organization which was active between 904 and 1101 A.D. was constituted by Ekangas. Queen Sugandha relied on Ekangas to decide who should ascend the throne and to recover her power after she had left the palace "making her rolling tears take the place of a necklace of pearls," though in vain. The Tantrins defeated the Ekangas, sealing the doom of the queen. Ekangas were equally unsuccessful in keeping Chakravarman on the throne. The Tantrins fought a battle with them and eventually had their way. The Ekangas along with ministers and feudal lords consecrated Varnata as king. Parvagupta (948-949 A.D.) the usurper was afraid of the Ekangas and was unable to destroy the child-king. In another case while the king's mother, Srilekha, wished the throne for herself, the assembled Ekangas, presumably because of her licentious character, made her child-son, Ananta, king, and when she destroyed her son, the throne was passed on to somebody else. Here the Ekangas rendered a service to the royalty as well as the people.

This type of control over monarchy is not peculiar to Kashmir. Two hundred years after the death of Augustus in 41 A.D., the Roman army began to take advantage of its power which it

[2]*Ibid.*, p. 102.

[3]*Ibid.*, p. 265.

used to extract gold in return for the favour of its support. In this way emperors came to the throne with military backing, and likewise fell as soon as such support was withdrawn.*

Still another official class which shared governmental authority was bureaucracy, the civil servants (Kayasthas), who at times proved to be a scourge to the king no less than to the people. The great mass of them were Brahmans. A Brahman woman said, "no one is ungrateful, if not a civil servant."[4] As Stien emphasizes, the numerous satirical allusions to the petty officials' oppression and greed and the evident relish with which Kalhana details their discomfiture by more energetic rulers suggest that he had ample occasion to study their character by personal experience.[5] The officials of Jayapida advised him against conquest, when, they argued, riches could be had from his own land. Thereupon the king began to oppress his own kingdom. Greedy officers of finance excited his desire for treasure beyond measure, and he became a prey to avarice.

> From that time onwards the kings of Kashmir became habituated to looking at the faces of their officials (for guidance), and to following the direction of their servants. The king's plans, (before) directed towards the capture of various princes, were now fixed on the imprisonment of (his own) citizens. Learning which for the virtuous procures tranquility of mind, led Jayapida (when he turned) wicked, to passionate obstinacy in tormenting his subjects....With his mind merged in greed, the king took for friends the officials (Kayasthas), who carried off all property (of the subjects) while delivering only the smallest fraction of what they realized.[6]

Sankravarman, whom Kalhana described as "foremost among fools," brought the officials to power, and these by robbing the people destroyed the king's reputation, low as it already was. At the death of Chakravarman (935 A.D.) the land which was plundered by feudal landlords was punished "even more severely

*Bertrand Russell, *Wisdom of the West*, Macdonald, London, 1959, p. 115.
[4]M.A. Stien, *Rajatarangini*, Vol. IV, pp. 90-2.
[5]Stien, n. 1., p. 19.
[6]Stien, n. 4, pp. 621-9.

by the employ of wicked Kayasthas." In the reign of Ananta (1028-1063 A.D.) they oppressed the people. Harsa (1089-1101 A.D.) tormented the people through the Kayasthas. It is said of Uccala (1101-11 A.D.) that if a lament arose owing to the fault of an official, the angered king would make it stop by the lamentations of the official's relatives. The king recited to himself the verse:

> Officials in truth are eager to kill, desirous of evil, robbers of others' property, rogues and demons; he [the king] should protect his subjects from them.

Kalhana is unsparing in exposing their vices. The officials are plagues for the people, and not only cholera, colic and exhaustion, and they rapidly destroy everybody. "The crab kills its father, and the white ant destroys her mother, but the ungrateful Kayastha when he has become powerful destroys everything." Once a king made Kayastha Prime Minister[7] and allowed a free hand to civil servants "whose oppression benefited his territory, but also fostered discontent."

In the public sphere one of the powerful elements was the councils of Brahmans who by their fasts could bring a throne tumbling down. As *purohits* they managed numerous sacred shrines in the valley in the Hindu and Buddhist period and were presumably a power to be reckoned with. At first used by individuals, the favourite method was a solemn fast employed as an instrument of coercion and pressure, few willing to be branded with the stigma of having caused the death of a Brahman. As with other correctives, the weapon was not always used to curb an autocratic king or to prevent abuse of royal authority by his ministers or the queen and other relatives. Those who exercised this power being corrupt, the control quite often perpetuated corruption, inefficiency, and injustice.

It is said that after Suravarman II was deposed in 939 A.D. a host of *purohits* of sacred places assembled, causing a mighty din by their drums, cymbals and other musical instruments, raising glittering flags, ensigns and umbrellas, and carrying seats on load-animals and chose Yasakaradeva, son of an ex-treasurer of one of the previous kings. Here they achieved their worthy or unworthy

[7]Stien, n. 1, p. 19. For details, see *Rajatarangni*: Vol. IV, p. 620; Vol. V, pp. 180, 439; Vol. VII, pp. 149, 1226; Vol. VIII, pp. 53, 85, 560.

object, but sometimes the result turned out to be comical. When Didda ascended the throne, Tunga whom the queen's infatuation made insolent, became Prime Minister. This led to dissatisfaction and the former ministers tried to raise a rebellion, bringing the queen's brother to Kashmir who on arrival induced the Brahmans to enter upon a solemn fast in order to cause distrubances in the kingdom. But Didda was more than a match for the Brahmans and she nipped the agitation in the bud by bribing the Brahmans on this and subsequent occasions! It is recorded that the Brahmans of the purohita corporations were experts in arranging solemn fasts (prayopavesa).

An example of successful pressure was a solemn fast by which the members of the local purohita corporation induced King Harsa to grant them, in compensation, exemption from the forced carriage of loads. Sometimes the practice was exploited by others. Thus, when Harsa laid siege of Prithigiri, the besieged ruler bribed the prefect of police who secretly instigated the soldiers to claim a large marching allowance. In order to achieve this objective the soldiers began a solemn fast and as the king's treasury was far away, his army fell into disorder.

Describing the virtuous king Uccala (1101-1111 A.D.), Kalhana relates how the king took a vow to commit suicide should any person die as a result of a solemn fast which was usually undertaken in protest against something considered evil, akin to the recent practice of self-immolation of Buddhist monks against the policies of their government in South Vietnam. In the reign of Sussala (1112-20 A.D.), the Damaras damaged the king's stores everywhere "as destructive clouds damage the harvest." Since this was the result of the king neglecting to attend to his business, terrible scandals arose in every town, owing to Brahmans, who were exasperated by these troubles holding solemn fasts and immolating themselves in fire. Sometimes the king was thrown into a helpless state by his own soldiers who went on solemn fasts. The temple priests performed a solemn fast and made the king distribute golden vessels and other valuables.[8]

With the passage of time the Brahmans lost their power and the fasts became quite ineffective, one reason being the indiscrimination

[8]For details, see *Rajatarangni*: Vol. II, p. 132; Vol. V, p. 465; Vol. VII, pp. 13, 1082; Vol. VIII, pp. 709, 900, 939.

with which the weapon was used. Thus it did not always succeed in the reign of Bhiksacara (1120-21 A.D.) when afraid of the king, the Brahmans abandoned their fast and putting their images quickly under their arms took to flight.

Bhiksacara (1120-21 A.D.) "felt no shame in giving himself up like a vulgar lover to feeding voraciously and playing music on earthen pots, brass vessels and other such (instruments)." The king found in time his wealth had melted away and even food difficult to secure. When a Brahman *jagir*, or endowment, was plundered by people, it was a signal for the Brahmans to assemble and hold a solemn fast also in the Gokula. According to Kalhana, such an assembly of Brahmans had never been seen before. The courtyard of the Gokula was thronged everywhere with rows of sacred images, which were raised on litters and embellished with glittering parasols, dresses and chowries, and all quarters were kept in an uproar with the din of the big drums, cymbals, and other musical instruments. Bhiksacara who had no resources failed to appease them. Sussala's return was eagerly waited by the people.

The Brahmans at Avantipura, who did not like a minister of Jayasimha (1128-49 A.D.) owing to the wicked obstinacy he showed in increasing the imposts, held a solemn fast. The minister paid no heed to them and many in their grief burned themselves in the flaming fire. Even then this method of control worked from time to time. When the same king became a target for their fast, the king had to fall in with the desire of their assembly.

Kalhana, says Stien, does not hide his contempt for this priestly class "whose ignorance was equal to its arrogance" and bitterly condemns their baneful interference in the affairs of the state. "In the humerous descriptions he gives of several great purohita assemblies he freely ridicules their combined self-assertion and cowardice and shows scant respect for their sacred character.... Various references show that whatever respect traditional notions demanded for 'the gods of the earth' *in abstracto*, Kalhana was not prepared to extend it to their claims as a political factor."[9]

Kalhana was equally sarcastic about the Brahmans' threats to commit suicide if the authorities did not surrender to their demands.

[9]Stien, n. 1, pp. 12-20.

"We can scarcely wonder," writes Stien, "that Kalhana is prepared to credit cases of Brahmans committing suicide by voluntary starvation or otherwise with the power of procuring terrible consequences. It is this semi-religious belief which made the practice of prayopavesa under Hindu rule so dreaded a resource of the oppressed. Yet it is curious to note that this belief does not prevent Kalhana from expressing often in a sarcastic fashion his contempt for the purohitas who participated in the great prayopavesa demonstrations so frequent in the later reigns."[10]

Another group in the social system in Kashmir which made and unmade kings was the Damaras. Consisting of landowners and barons, the power which they exercised is clear from one of the maxims of administrative wisdom uttered by Lalitaditya, warning his successors not to leave with the cultivators more land than was necessary for their bare sustenance and the tillage of the fields. He said: "If they should keep more wealth, they would become in a single year very formidable Damaras and strong enough to neglect the commands of the king." Obviously, this danger had not developed suddenly but was the result of a growing landed aristocracy which threatened the power of the throne. Dhanya, a Damara, considered himself so powerful that he neglected summons after summons. When he did arrive he came with a host of armed attendants.

The process by which the Damaras gradually became the most powerful element in the State is illustrated by the story of the Damara Samgrama. When king Chakravarman had been driven a second time (935 A.D.) from his capital by his mutinous praetorians, the Tantrins, he took refuge with Samgrama, an influential Damara. After the conclusion of a solemn compact, the Damara rose in support of the deposed king, and with the help of others of his class, succeeded in reinstating him. The Tantrins were exterminated and the Damaras obtained great influence. Subsequently, when the king showed ingratitude, the Damaras conspired against him and murdered him.

Evidently, they were quite strong in the reign of Unmattvanti and Didda who had to take punitive measures against them. They attained full development after the accession of the house of Lohara

[10] *Ibid.*, pp. 36-7.

(1003 A. D.). During the long succession of weak reigns, Samgramaraja to Utkarsa's death (1003-1089 A.D.), their position as semi-independent feudal lords established itself. They set up pretenders and siding either with father or son maintained Anantadeva and Kalasa in their internecine struggle. The commanders of the royal troops are more than once represented as engaged in regular expeditions against these turbulent barons.

Sometimes strongholds important for the security of the land were in the power of Damaras. A Damara held a castle which guarded the old route to the Darad country. Strongholds as well as lands practically became hereditary possessions in the families of feudal lords, wherever the central authority in the land was unable or unwilling to assert the right of resumption. Harsa tried to put down the Damaras with great cruelty but without success. In fact, his efforts boomeranged. Conspiring with the refugee princes Uccala and Sussala, the desperate Damaras rose against Harsa and killed him. The reigns which followed, comments Stien, represented an almost uninterrupted series of struggles between the central authorities and the Damaras and between various factions of the Damaras.

In time the Damaras usurped all power in the land except in the immediate vicinity of the capital and the places occupied by the local troops. The most that the rulers were able to do was to play off one of their sections against the other or to secure a footing by the support of one or the other great Damara house. Thus, one of them, Gargachandra, the chief feudal lord of Lohara, became a true "king-maker." While the country was plunged in anarchy, Salhana (1111-12 A. D.) whom Gargachandra had placed on the throne gave himself up to low pleasures. The reign of Sussala who followed him was a succession of internal troubles, caused by rebellions of Damaras whom Sussala could not subdue completely. Hardly had he entered Srinagar when he had to face Gargachandra who rose against him, helped by his powerful relatives who owned large estates in districts outside Lohara. When Gargachandra was overcome other nobles whom Sussala had exiled attempted to overthrow him by incursions from the Chenab valley. Gargachandra was still powerful and Sussala secured the help of a rival Mallakostha, a Damara of Lohara, who was an enemy of Gargachandra. Eventually, Gargachandra was forced to surrender, was

imprisoned and strangled. Prominent Damaras were imprisoned but this failed to restores order.

A Damara leader formed a league of territorial lords and in 1120 A.D. there was a general uprising by the Damaras, who repeatedly defeated Sussala's troops. "The people throughout the land were at the mercy of Damara bands, who brooked no control, while rival ministers contended in the capital for what was left of regal power. The jealousy of the chief leaders of the Damaras, Prithvihara and Mallakostha, led to violent quarrels which increased the confusion reigning in all affairs of the State. Trade came to a standstill, and money became scarce."[11] Sussala had been forced to flee but in view of anarchy in the country he returned putting the pretender Bhiksacara to flight. The Damaras, who took his side, burned the famous temple of Chakradhara in which many people of the neighbourhood had sought an asylum.

In brief, the Damaras enjoyed a social status and wielded considerable political power. Kalhana refers to their boorish habits and their ostentatious extravagance in power. The Damaras continued even under Muslim rulers, probably continuing to be an influential element in the time of the Muslim Sultans.

The fortified residences of the Damaras, often indicated by the use of the term "upavesana" were like castles of medieval feudal lords, powerful centres of opposition to the king's authority. "This condition of things continued for centuries after Kalhana's time, far into the Muhammadan period, and its recollection still lingers in the tradition of the agricultural population of Kashmir."[12]

Kalhana had open aversion and contempt for the Damaras. The overwhelming power and turbulence of these feudal landowners had been the direct cause of king Harsa's fall and all the troubles which preyed upon the country during the lifetime of Kalhana. The term *dasyu* (robber) which he regularly used for their designation is characteristic enough, observes Stien. Kalhana lost no opportunity in exposing their defects. "The presence in the land of so many petty tyrants must have weighed heavily indeed not only on the cultivators but also official class and the Brahman population of the capital. The lands from which the latter drew their

[11]Stien, n. 1, p. 121.
[12]*Ibid.*, p. 124.

maintenance were in times of internal trouble ever at the mercy of the Damaras."[13]

Then there were Lavanyas who also played a great part in the internal troubles between 1003 and 1150 A.D. According to Stien, they must have formed at that time an important section of the rural population and their name, like that of the Tantrins, survives in a modern "Kram" name of very frequent occurrence, viz. *Lun.* Many of them must have held a position of influence as landowners or tribal head-men. According to one view, the mass of the Damaras was recruited from Lavanyas.

Another element of unusual interest was the part which women played in the social and political life of the community. Large number of women served as queens, queens-regent and queen-consorts, some of them with outstanding administrative ability. Queens had their own officials and separate treasuries and were no less active in building Hindu and Buddhist shrines. When on the death of Damodara I his queen was installed on the throne, the eyes of men, states Kalhana, "which (before) showed no respect for women as (being only) objects of enjoyment, looked upon her as the mother of her subjects and like a goddess." As Stien shows they enjoyed considerable rights and privileges.

This picture changed under the Muslim rulers. According to Prem Nath Bazaz, "with the establishment and consolidation of the Muslim rule in the valley women were gradually and increasingly deprived of those rights and privileges which they had acquired and enjoyed for many centuries, may be thousands of years."

He observes:

> Almost throughout the long course of their history until the middle of the fourteenth century they took no inconspicuous part in the civil administration. In days of need and emergency, they joined the armed forces of the land; they functioned as leaders of religious thought and as diplomats and politicians; they achieved reputation as builders and artistes. Undoubtedly the happy time for women as for the people in general, was that when the country came under the sway of Buddhism, but the privileges earned under the impact of the

[13]There is an excellent note on the subject by Stien in Vol. II of *Rajatarangini*, p. 304. Also see Vol. I (p. 19) of the same book.

libertarian creed could not be taken away by the reactionary regimes which were set up on a revival of the brahmanical reaction. With the downfall of the Hindu rule and capture of power by Shah Mir, however, the social fabric underwent a complete change.[14]

Even then in the first half of the nineteenth century a traveller observed that in Kashmir there was "no purdah, or concealment of the features, excepting among the higher classes."[15]

The dynamic part which women played in Kashmir could not fail to have its effect on the exercise of authority by kings in power. It is stated that behind the scenes the queens made their presence felt in various ways and that the kings consulted them before deciding on matters of the State. The liberation of women from the fetters, which tradition had fastened on them in other parts of India, was a political development of far-reaching character, awakening a new consciousness which in the years to come was to exert a profound influence on the course of events and the development of secular democracy. As Lawrence says, the wife both in Muslim and Hindu homes "is all powerful, and I believe that as a rule, the Kashmiri lives in awe of his consort." He adds that the Kashmiri wife is a real helpmate and joint work and joint interests give rise to a comaradarie between man and wife.[16]

Such was the distribution of power under Hindu and Buddhist kings in Kashmir. It was not always used for noble purposes, and it is hardly surprising that those who wielded it did not succeed on every occasion. But here was an attempt at a combination of interests to right public and administrative wrongs or to eliminate a weak ruler. In spite of its frequent misuse, there was no other way of securing justice, preventing misrule, or maintaining some semblance of social morality and law and order. In the circumstances and faced with dissolute and weak kings, the controlling elements offered one way of survival, emphasizing the fact that a community cannot enjoy health, security, and prosperity if authority is weak. Yudhishthira I known by the nickname as

[14]P.N. Bazaz, *Daughters of the Vitasta*, pp. 13-4.
[15]G.T. Vigne, *Travels in Kashmir, Ladak, Iskardu*, Vol. II, Henry Colburn, London, 1843, p. 277.
[16]Lawrence, *The Valley of Kashmir*, p. 277.

Andha-Yudhishthira (blind Yudhishthira) was forced to resign by his subjects and ministers who had been exasperated by his follies. Pratapditya I was brought to Kashmir from other parts of India and according to one view was a relative of Harsa-Vikramaditya of Ujjain who ruled in the first half of the sixth century. Both instances show the power which the people exercised in desperate circumstances.

Hitherto the source of authority had been mostly in the valley. With the arrival of Moghul, Afghan, and Sikh rulers, the picture changed, the centre of gravity shifting to Delhi under the Moghuls, Kabul under the Afghans, and Lahore under the Sikhs. There was little ground for complaint under the Moghuls although some of the governors were fanatical and rapacious, but the people had to approach Ranjit Singh to oust the Afghans who reduced the valley to destitution. The distribution of authority was never the same until 1947 when Pakistan tried to shift the centre of power and control to Karachi by attempting to annex the state by force when it acceded to India. And thus began the process of power flowing back to the people of Jammu and Kashmir and to their elected representatives and through them into popular institutions subject to their control. What this or that group had sought over the centuries to protect its own rights or the rights of the community, now took the form of fundamental rights enforceable through independent courts, and above all the right to make or break governments which could be exercised every five years, if not earlier. Thus was autocracy changed into freedom in Kashmir.

CHAPTER FOUR

A VISION OF HUMANITY

BUDDHA HAD said to his disciples: "Go unto all lands and preach this gospel. Tell them that the poor and the lowly, the rich and the high, all are one, and that all castes unite in this religion as do the rivers in the sea." His emphasis on compassion was uncompromising. "Never in this world does hatred cease by hatred; hatred ceases by love." Again "let a man overcome anger by kindness, evil by good." Experience was the final test. "One must not accept my law from reverence, but first try it as gold is tried by fire." Or "one may overcome a thousand men in battle, but he who conquers himself is the greatest victor."

The cultural history of Kashmir forms part of the cultural history of India where, as it is clear from the Upanishads, developed a spirit of inquiry which refused to be satisfied with mere scriptural authority. Thus developed system after system of philosophical thought and spiritual discipline remarkable for their variety and independence. This thought ranged over a wide spectrum, from nihilism, through faith in matter, mind or both or neither, or doubt, or the sole reality of the subject or the object, or of time, space and cause, to a universal spirit which is at once power, light, and joy. In the history of India, love of knowledge has shown a marked tendency to triumph over mere religious or sectarian discipline.[1] By this process developed a tolerance and sympathy for schools of thought other than those to which one belonged. Humanity was considered higher than an institutional creed. Buddha went further and condemned caste and other barriers which divided man

[1] "For centuries, in spite of the severest restrictions of a rigid orthodoxy, India continued to produce schismatics and protestants, dissenters, and rebels who shook orthodoxy to its foundations" (Benjamin Walker, *Hindu World, An Encyclopedic Survey of Hinduism*, 1968, Allen & Unwin, London, Vol. II, p. 127).

from man. The salvation of man, he said, lay in compassion without which there could be neither religion nor morality. In compassion was the highest reality. Unlike zealots of proselytizing religions who find peace only in dead conformity or wholesale slaughter, he never condemned other religions and merely claimed that he had studied the origin of suffering, its cause and the way to end it. He was not interested in subverting the faith of others, but his emphasis on the primacy of reason and human endeavour, science and law, inevitably tended to free people from superstition, a cramping faith in mechanical works, not to mention needless animal sacrifices which blinded the mind and coarsened the heart.

When Buddhism came to Kashmir, a new chapter began in its history. The edicts of Asoka who built the first capital of Kashmir, Srinagari, heralded a new spirit. One of his edicts said:

> Moreover, should any one do him wrong, that too must be borne with by His Sacred Majesty, so far as it can possibly be borne with. Even upon the forest folk in his dominions, His Sacred Majesty looks kindly and he seeks to make them think aright, for, if he did not, repentance would come upon His Sacred Majesty. For His Sacred Majesty desires that all animate beings should have security, self-control, peace of mind, and joyousness.

These blessings were to be reserved not for the followers of the Buddha but were intended for everyone, without any distinction of caste or creed. "All sects deserve reverence for one reason or another," says the edict. "By thus acting a man exalts his own sect and at the same time does service to the sects of other people." It is small wonder that victims of religious persecution in West Asia, like the Jews, the Christians, and the Zoarastrians, found a warm welcome in India, where they were given land, permitted to follow their own faith without any let or hindrance, and where they flourished.

Sulaiman Saudagar, the first Arab traveller to India in the ninth century, referred to the Rashtrakuta rulers and wrote that "among all the kings there is no one to be found who is so partial to the Arabs as the Balhara." The friendliness of the rulers of the Deccan and Konkan coast to Arabs is mentioned also by other Arab writers

like Masudi and Al-Maghribi.[2] According to Masudi, Arab colonies settled in Chaul, Thana, and coastal places in Gujrat and Konkan had perfect freedom of worship and trade and occupied an honourable position among the people with whom they lived.[3]

This was a new awakening in history. It did not arise out of political necessity, as in ancient Rome, but out of compassion born of knowledge. The Romans "knew and valued the advantages of religion," says Gibbon, "as it is connected with civil government. They encouraged the public festivals which humanize the manners of the people. They managed the arts of divination, as a convenient instrument of policy; and they respected as the firmest bond of society, the useful persuasion that, either in this or in a future life, the crime of perjury is most assuredly punished by the avenging gods. But while they acknowledged the general advantages of religion, they were convinced that the various modes of worship contributed alike to the same salutary purposes; and that, in every country, the form of superstition, which had received the sanction of time and experience, was the best adapted to the climate and to its inhabitants."[4]

This new awakening gave India a new position, and a responsibility, in Asia. "India is a central link," writes Toynbee, "in a chain of regional civilizations that extended from Japan in the far north-east to Ireland in the far north-west. Between these two extremities, the chain sags down southwards in a festoon, that dips below the equator....India has retained the central position in which she found herself as soon as civilization spread eastwards into China and westwards into Europe."[5]

The new awakening found a particularly fertile soil in Kashmir where people loved knowledge and learning. Huen Tsiang noticed even in the seventh century that the people "love learning and are well instructed." "Since centuries," he said, "learning has been held in great respect in this kingdom." Kashmir played a great

[2]P.J. Chinmulgund and V.V. Mirashi (Eds.), *Review of Indological Research in Last 75 Years*, Poona, 1967, p. 213.

[3]*Ibid.*, p. 214-5.

[4]Edward Gibbon, *The Decline and Fall of the Roman Empire*, Dell Publishing Co. Inc., New York, 1963, p. 46.

[5]Toynbee's Azad Memorial Lectures, *One World and India*, Indian Council for Cultural Relations, 1960, p. 41.

part in the traditions of Buddhism. Huen Tsiang relates at length the legend how the Arhat Madhyantika had first spread the doctrine in the land; how in the time of Asoka five hundred saints had taken up their abode there; and how, finally, under the Kushan King Kanishka, Kashmir had been the scene of the Buddhist council which fixed and expanded the sacred canon.[6]

The new tide of awakening and tolerance which Buddha released flowed into other lands. The two major routes from India to Central Asia led one through the high Kashmir passes of the Gilgit into the Wakhan and the second through Gandhara. The route through Gandhara was less difficult and it was this route that the early Buddhist missionaries to Central Asia selected. However, some of the most prominent ones studied Buddhism in Kashmir. One of the greatest of missionary scholars who, for instance, went to China, was Kumarjiva, the Kuchean, who underwent training in Kashmir and attained great fame as a scholar. He "won for himself unequalled reputation in China as an interpreter of Buddhism and Chinese scholars from all over the land flocked to him to study at his feet and become his disciples." In his love of objectivity he followed in the footsteps of the Master. His last instructions to his disciples on his death bed are deeply moving. "Accept my work, but do not take my life to be ideal. The lotus grows from the mud. Love the lotus and not the mud.?" In eight hundred years Buddhist scholars, Indian and Chinese, created more than 35,000 new phrases and words in Chinese.[8]

Similarly, according to another scholar who traced Indian influences in the Philippines: "A mass of religious ideas, practices and names, a considerable body of Sanskrit words ... mechanical and industrial knowledge and unquestionably a much greater degree of civilization and refinement than had existed previously."[9]

And yet in neither case had this civilization spread by force and conquest. The Buddhist missionaries began to go to foreign lands in the reign of Asoka who had renounced war and violence as an instrument of State policy. "Noble sons of India who through their selfless work had built up a common civilisation for nearly three

[6]Stien, *Rajatarangni*, Vol. II, p. 355.

[7]Chinmulgund and Mirashi, *op. cit.*, p. 316.

[8]*Ibid.*, p. 316.

[9]*Ibid.*, p. 325.

quarters of the Asiatic continent. These missionaries of India, in the course of their journey over hills and deserts, subjected themselves to hardships and suffering which cannot fail to move us even after the lapse of so many centuries. It had been possible for them to make great sacrifices as they had confidence in the greatness of their mission."[10]

Asoka, though a Buddhist, built temples dedicated to Shiva, and Jalauka, though a Hindu, built a Buddhist temple. Similarly, Lalitaditya's faith in Hinduism did not close his eyes to the different religious beliefs of some of his subjects and he built many Buddhist temples and monasteries. His commander-in-chief was a Buddhist, as were his other high officials. The traditions of Lalitaditya were maintained by his grandson, Jayapida. Religious tolerance was thus a remarkable feature of life in Kashmir under the reign of not one but several kings at various times.

Centuries later Abu-l-Fazl referring to the Moghul Emperor Akbar's rule in Kashmir, remarked that "at the present, time under the sway of his Imperial Majesty, it is the secure and happy abode of many nationalities."[11] Kashmir, according to Stien, has always had an over-production of intellect. Bilana's classical example, amongst other evidence, shows that Kashmir scholars have been as ready in old days as at present to leave their homes for distant places, wherever their learning could secure for them a livelihood.[12]

Not mere tolerance of conflicting religions but an active encouragement of them is clear from the conduct of many kings, ancient and medieval, in Kashmir and other parts of India. For centuries Buddhism and the orthodox creeds existed peacefully side by side in Kashmir. Royal and private individuals who were credited with the foundation of Buddhist stupas and viharas, for instance, endowed with equal zeal shrines of Shiva or Vishnu. In Kalhana's time every contemporary royal personage or minister who is praised for his Buddhist endowments, showed the same pious liberality also in regard to Brahmanical temples and extablishments.

The co-existence in Kashmir of various faiths in peaceful relationship as indicated by these facts is supported by a corresponding position of heterodox creeds in other parts of India. Huen Tsiang relates as an eye witness how Buddhist and Jains, as well as the

[10] *Ibid.*, p. 314.
[11] Ain-i-Akbari. [12] Stien, n. 6., p. 360.

Brahmans, received equal honours and support at the court of King Harsavardhana of Kanauj. Similarly the Chaulukya king Kumarapala of Gujarat never ceased to maintain his hereditary attachment to the cult of Shiva, though a convert to Jainism. Kashmir had its married Bhikshus. It is said that the Brahmanical cult in Kashmir participated in the celebration of Buddha's birthday. Bamzai observes:

> In the course of their long history they [Kashmiris] have practically demonstrated their religious tolerance and respect for the beliefs of others. When for instance Naga worship was replaced by the early Brahmanical religion which later gave place to Buddhism, there was the least tinge of violence or ill-feeling. And when Buddhism was again supplanted by the reformed Brahmanical creed, the change was brought about imperceptibly and without any outburst of violence. In fact, we find kings, queens and courtiers not only building and endowing Hindu temples and Buddhist *viharas* and *caityas*, but worshipping in all, Saivism and Vaishnavism flourished side by side and received equal homage from the king and the commoner. And so Islam which entered the valley perceptibly did not meet with violent opposition. For two centuries after the accession of the first Muslim king to the throne of Kashmir, the administration was carried on by the traditional Brahman class with Sanskrit as the court language.[13]

The century and a half which passed from the accession of the Lahara dynasty to the date of Kalhana's chronicle was a period marked by a succession of rebellions and internal disturbances. For nearly two centuries after Kalhana's time Hindu rule maintained itself in Kashmir though the princes were weak and helpless and the material prosperity of the valley more and more fading. When Shah Mir deposed queen Kota, the widow of the last Hindu ruler, and founded a Muslim dynasty (1339 A.D.), the change, according to Stien, marked no change either in the foreign relations of Kashmir or in its internal conditions. The administration remained as before in the hands of the traditional official class, the Brahmans,

[13] P.N.K. Bamzai, *A History of Kashmir*, p. 164.

for whom a change of religion presented no advantage and who accordingly retained their inherited status, together with its literary traditions. There are frequent references in Jonaraja's and Srivara's chronicles to Brahmans holding high official posts under the early Sultans. After the end of the Hindu rule Sanskrit remained for a considerable period the medium of official communication and record in Kashmir. The manifold forms for official documents, reports, etc., which are contained in the *Lokaprakasa*, a remarkable handbook of Kashmir administration routine, are drawn up, reveals Stien, in a curious Sanskrit jargon full of Persian and Arabic words which must have become current in Kashmir soon after the introduction of Islam. The continued popular use of Sanskrit even among Muslims was proved by the Sanskrit inscriptions on tombstones at Srinagar near Martand and elsewhere.[14] "The fanatical bigotry of a single Mohammedan ruler, Sikander, who earned for himself the characteristic epithet *Butshikast*, 'the Idol-Breaker', helps only to put into stronger relief the tolerance—or may we say indifference—of the princes who preceded or followed him. Under the long and exceptionally peaceful rule of his son Zain-ul-Abdin (1420-70 A.D.) who was a patron of Sanskrit learning and occasionally a pilgrim to the ancient Tirthas of the valley, Hindu traditions distinctly reasserted themselves while the country enjoyed something like a return to its old prosperity."[15]

Zain-ul-Abdin did not follow in the footsteps of Sikander. The chief glory of his reign was religious tolerance. According to Ain-i-Akbari, he forbade oxen being slain. The toll tax on Hindus was remitted and the Hindus were given grants of land and assistance in many other ways. Repair of the Hindu temples was taken in hand and Hindu learning revived. All measures of appeasement and assistance encouraged the Brahmans who had fled from the valley in Sikander's time to return. More Brahmans came from the south. He enacted laws which guaranteed them a just administration and trial of their cases according to their own customs. Jonaraja and Srivara mention that the king built two temples near Ishabar and abstained from meat-eating during the holy festivals of the Hindus. He forbade killing of birds and fish in several waters sacred to the Hindus. To expiate the wrongs done

[14]Stien, *Rajatarangni*, Vol. 1, pp. 130-1.
[15]*Ibid.*

to the Hindus by his father he built homes for the widows of the Brahmans killed by his intolerant parents. He was much impressed with the teaching of the Hindu scriptures and had many, including the *Mahabharata*, translated into Persian. Srivara mentions the king studying these scriptures and holding discussions. Many Hindus were appointed to high posts of trust and honour. Some of the Chak rulers who followed Zain-ul-Abdin persecuted the Sunni Muslims as well as the Hindus and it was not until the state passed under the control of Akbar that religious tolerance was revived.

Buddhism and Hinduism had much in common. As the local Muslims were mostly converts their new faith was naturally influenced deeply by their old beliefs. In spite of the change of faith, some of the old customs, practices, and beliefs remained. Buddhists always worshipped sacred relics, so did the converts. Both used the rosary which earlier was a mark of Buddhist and Hindu monks. According to Sir Wolseley Haig, Zain-ul-Abdin "'shared Akbar's scruples with regard to the taking of life; forbade hunting; and abstained from flesh during the month of Ramazan." In this respect, both followed Buddhist and Hindu practice. The order of Muslim holy men called *Rishis*, a Sanskrit term, is according to some scholars a descendant of the Buddhist Sangha or the brotherhood of Buddhist monks. The influence of Buddhist *dharnis* or mystical formulas possessing magical powers has been traced in the use of amulets and charms so popular with the Muslims in the valley.

"Buddhist influence on the art and architecture of Kashmir has also been considerable. This is seen as much in the painted scrolls presented to their *jajmans* to this day... as in the sculpture and remains of the ancient buildings in the valley. Image-making and painting in Kashmir, as in many other regions, are a legacy of Buddhism."[16] According to Mohi-Din Sufi, "the outside appearance of most of the present-day Muslim shrines is not unlike that of Buddhist pagodas though all details are entirely Saracenic."[17] Toynbee observes:

[16]For these facts, see J. N. Ganhar and P.N. Ganhar, *Buddhism in Kashmir and Ladakh*, New Delhi, pp. 161-4.
[17]*Ibid.*

Gilgit's past is almost a blank. Although wrapped in obscurity, Gilgit appears to have had a similar experience. Her people must once have been Buddhists before they became Muslims. Her eastern neighbour Ladakh is still Buddhist today, and her western neighbour Afghanistan was Buddhist till the ninth century of the Christian era. The Buddhist chapter in Gilgit's unrecorded past could be inferred from the geographical facts, even if it were not attested by the vestiges of a colossal Buddha-figure carved on a cliff above the watersmeet at Kargah.[18]

Considering the history of the people, it is not surprising that Hindus and Muslims have much in common and they share many customs and practices on occasions of birth, marriage, and death.

If comparison be made between the customs of the Hindus and the Muslims, it will be seen that there are many points of resemblance, and the curious prominence of the walnut and the salt and the use of the *mendhi* dye in both religions; there is the fixing of the marriage day; the visit paid by the bridegroom to the bride's house after marriage; the giving of money and jewels; the dress and the title of the bridegroom as maharaja and of the bride as maharani; the giving of presents on the fourth day after death, and the celebration respectively of the birthday and the day of death.[19]

Lawrence mentions some interesting facts about the Kashmir Brahmans. They have no hesitation in drinking water brought by a Mussalman; they will eat food cooked on a Muslim boat; the foster-mother of Hindu children is usually a Muslim woman, while the foster-brother often obtains great power in a Hindu household. There is no caste of water-carriers in Kashmir.

"The most respectable people of this country are the Rishis," says Abu-l-Fazal, "who, although they do not suffer themselves to be fettered by traditions, are doubtless true worshippers of God. They revile not any other sect, and ask nothing of any one; they plant the roads with fruit trees to furnish the traveller with refresh-

[18] Arnold J. Toynbee, *Between Oxes and Jumna*, London University Press, 1961, p. 132.
[19] Lawrence, *The Valley of Kashmir*, p. 258.

ments; they abstain from flesh, and have no intercourse with the other sex. There are near two thousand of them in Kashmir."[20]

According to Lawrence, the *Rishis*, the *Babas*, and the Makhdum Sahib Pirzadas are always looked upon as pure Kashmiri and are called *Wami*, as distinguished from the Saiyads and Saiyad Pirzadas, who found their way to the valley from foreign countries. "All these are connected with shrine-worship, and I think that their influence is far greater than that exercised by Mullahs in the mosque. The shrines are associated with legends of self-denial and good works, they are pleasant places of meeting at fair time, and the natural beauty of their position and surroundings may have an effect on the artistic temperament of the Kashmiris which the squalid mosques have not."[21]

The Sunni Musalmans did not strike Lawrence as zealous or earnest in the profession of their faith, and, except in their quarrels with the Shiahs, they seemed free from all forms of fanaticism.

The indifference shown in the matter of mosques and Mullahs may be accounted for by the fact that the Kashmiri Sunnis are only Musalmans in name. In their hearts they are Hindus, and the religion of Islam is too abstract to satisfy their superstitious cravings, and they turn from the mean priest and the mean mosque to the pretty shrines of carved wood and roof bright with the iris flowers where the saints of past time lie buried. They like to gaze on the saint's old clothes and turban, and to examine the cave in which he spent his ascetic life.[22]

Certain holy places are held in reverence by Hindus and Muslims alike. At Fattehpura in the Verinag ilaka and at Waripura in the Magam ilaka, Lawrence saw the imprint of a foot in stone worshipped by the Muslims as the Prophet's footprint and by the Hindus as Vishnu's foot. "And generally speaking it may be said that when one sees the Musalman shrine with its shady chenars and lofty poplars and elms, a little search will discover some old Hindu Asthan. It was only natural that Musalmans, when they were converted to Islam, should cling with tenderness to the old religious places, and should adopt sacred spots already familiar to the country-

[20] Ain-i-Akbari. [21] Lawrence, n. 19, pp. 287-8. [22] *Ibid.*, pp. 285-6.

side. I have shown in my chapter on Customs how certain ideas are common to the Hindus and Musalmans of Kashmir, but I attribute much of the delightful tolerance which exists between the followers of the two religions chiefly to the fact that the Kashmir Musalmans never really gave up the old Hindu religion of the country."[23] Lawrence mentions two reasons for this tolerance—the strict prohibition of cow-killing and the strong rule under which the people had lived for generations and which would not brook any quarreling between Hindus and Muslims.

The Valley is full of wonderful religious compromises. The mosque of Shah-i-Hamdan in Srinagar built after the fashion of a Buddhist temple, with a flat roof, an open spire with a gilded ball has within it a spring which is sacred to the Hindus and dedicated to Kali the goddess of nature. Beneath the mosque and right on the waterfront is a Hindu temple which is much used. Similarly on the walls of the Bota Masjid which stands below the castle hill of Srinagar the pictures of Buddhist saints are to be found which are hidden by whitewash. This mosque was formerly a Buddhist temple.[24]

According to some accounts, the ground on which the Jama Masjid stands was sacred to the Buddhists and even now men from Ladakh visit the Jama Masjid and speak of it by its old name, Tsitsung Tsublak Kang. The site is also sacred to the Hindus, and there is a tradition that after the great persecution of the Hindus the Musalmans tried in vain to erect a building on the ground, and that at last they were obliged to call in the aid of one of the Hindus who had remained in Kashmir.[25]

However in sanctity it is the shrine of Hazrat Bal which occupies the highest place in the hearts of the Muslims. The sanctity is due to the presence of the Prophet's hair, which was brought to Kashmir from Medina by Sayed Abdullah in 1111 A.D. Sayed Abdullah sold the hair to a merchant, Nur Din, for one hundred thousand rupees, and Nur Din exhibited the relic in Srinagar. The crowd was so great that many persons were crushed to death, and the ruler of the country wisely ordered that the relic should be kept in some open place. It was this relic which was stolen towards

[23] *Ibid.*, p. 286. [24] Ganhar and Ganhar, *op. cit.*, p. 163.
[25] Lawrence, n. 19, p. 291.

the end of 1963 leading to demonstrations and protests in Srinagar until it was recovered by the Central Intelligence Officers.

One thing which helped religious tolerance was perhaps the absence of a caste system in the valley. While Brahmans are frequently mentioned in the chronicles, there is hardly any reference to a hierarchical division of society constituting ascending or descending social steps in order of dignity, rights and responsibilities. In consequence distinctions in dress, food, social customs and ceremonies based on caste status are rare. The sacred shrines of the two communities are situated together and frequently their fairs at these shrines are held on the same day. The system of *Khanadamadi*, a variant of the Hindu custom of adoption, is prevalent among Muslims. Similarly Muslim neighbours participate in important social functions organized by a Hindu. Many ceremonies connected with birth of a Muslim child are similar to those observed by the Brahmans. Thus visiting shrines, calling the aid of saints and mendicants and the practice of childless parents keeping religious fasts are common to both.

> In Kashmir a long-continued process of conversion to Islam had resulted in 95 per cent of the population becoming Moslems, though they retained many of their Hindu customs. In the middle nineteenth century the Hindu ruler of the state found that very large numbers of these people were anxious or willing to return *en bloc* to Hinduism. He sent a deputation to the pundits of Benares inquiring if this could be done. The pundits refused to countenance any such change of faith and there the matter ended.[26]

The intellectual ferment in Kashmir has been in progress for the past many centuries. It has produced, within the small area of the valley, eminent philosophers, grammarians, historians, astronomers, poets, and men of letters. A number of eminent queens firmly held the reins of office in their hands, like, for instance, Yasovati, Sugandh, Didda, and Kota. Great ascetics included Laleshwari, Rupabhawani, and Jaman Ded. The State had already produced mystics like Lalla Yogishwari when Islamic mysticism

[26] Jawaharlal Nehru, *Discovery of India*, pp. 263-4.

arrived in the valley from Iran. Laleshwari or Lal Ded was born in the fourteenth century and like Mira wandered from place to place, singing songs of devotion which transcended vexatious barriers set up by blind and suffocating creeds:

God does not want meditations and austerities,
Through love alone canst thou reach the abode of bliss,
Thou mayst be lost like salt in water,
Still it is difficult for thee to know God.

Truth is not a prisoner of mosques and temples and is all-pervading:
Idol is of stone, temple is of stone;
Above (temple) and below (idol) are one;
Which of them wilt thou worship, O foolish Pandit,
Cause thou the union of mind with soul?

Or

I saw and found I am in everything,

Nund Rishi or Sahazanand, a Muslim mystic, was also born in the fourteenth century. Illiterate, and yet he was a poet who captured the hearts of thousands and, like Lal Ded, opened their eyes to a new light, a new world. In ecstasy he could exclaim: "One year seems to me one single hour," and "Thy rosary is like a snake." Again:

Thou hast lived a life without seeing (God):
Tell me to whom didst thou offer prayer.

Before prayer can help something else must be done:

If thou maketh union with Siva,
Then only, O Rishi Mali, will prayer avail thee.

Nund Rishi is said to have acquired great influence over the people. How he looked at others will be clear from the following couplet:

Sow thou the seed of friendship for me everywhere,
And slay not even my enemies.

There was Azad Darvesh who said:

Manacle thy (self and make of it a) bridge (to span this ocean wide);
And, across, attain to the "Annihilation in the Divine",
Where there is no Hindu nor Musalman.

Or Wahab Khar:

Shekh Sana recited the name of Rama,
And in an Indian girl he found his love,
He worshipped an idol and burnt the Koran.[27]

Lalla's poetry, it may be observed, firmly established in our tongue the position of a characteristic type of religious lyric known in Kashmiri as *Lila* and *Vak*. Her next successor in this domain was Sheikh Noor-ud-Din, alias Nund Rishi. As in Lalla's poetry, the moods and passion of the lover in the songs of Noor-ud-Din are just symbolic ways of expressing the eternal longing of the soul yearning for the Supreme Being. Strangely enough, as mystics and saints and poets, both Lalla and Noor-ud-Din, even to this day, have an equal claim on the affections of both Hindus and Muslims.[28]

From this brief survey it is clear that nothing did greater harm to the development of secular ideals and religious tolerance in Kashmir than Sikander, the Chaks, and the Pathans. Their blind obsession with the craze to add to the number of the faithful and to destroy the religious monuments of their forefathers closed their hearts to the call of humanity as it shut their eyes to their ancestors' dreams in stone. However, the persecutions and destruction were launched by the rulers who were mostly outsiders, alien to the culture of the people, not by the people themselves. The Hindus and Muslims in the valley did not split apart, and irrespective of the suffering and indignities heaped upon the Hindus by the fanatics who were incapable of seeing a view other than their own, the relations between the two communities continued to be friendly and cordial. This fact was of tremendous importance. It is the foreign zealots who came into the valley and instigated Muslim rulers to give no quarter to Hindus. With the passage of time the authority

[27] J.L. Kaul, *Kashmiri Lyrics*, Rinemisray, Srinagar, 1945.
[28] *Keys to Kashmir*, Lalla Rookh Publications, Srinagar, 1957, p. 151.

of rulers was to shrink and their capacity for mischief in this field substantially curtailed. The people's attitude was sound and since most of the Muslims were Hindu converts and the two communities had so much in common in language, culture, thought and customs, they had nothing to quarrel about. The mischief had been attempted by the followers of narrow creeds who believed in creating conflict and instability by bigotry, forcible conversion and even murder. Whenever this simple truth was masked by ambitious and self-seeking adventures, it led to trouble.

It is now easy to see what is at stake in Kashmir. Over the centuries and after many trials and tribulations has emerged there a way of life, based on tolerance, an attitude to fellowmen preserved from the curse of suffocating creeds, a faith in the coexistence of many religions and cultures. What else is India—nay the world—moving towards but a firm and enlightened fellowship of divergent beliefs, whether religious or secular? What other goal can the people of the world have?

Any threat to the growth of compassion and mutual tolerance in Kashmir is therefore an axe aimed at the very root of its people, the root which is part of the more complex roots of India as a whole. For, to focus the blurring confusion of competing ideologies into a clear and harmonious image has not been an accident of Indian history but its persistent feature.

CHAPTER FIVE

STRUGGLE FOR EQUALITY

ONCE LAW and order was restored and the Dogra kings settled down, there began a struggle for equality which is the *raison d'etre* of secular democracy. For the people were now in the twentieth century, on the threshold of new ideas of freedom and popular rights. Justice was what they pined for, justice which Yasakara (939-948 A.D.), one of the ancient kings of the Valley, had described in memorable terms:

> Difficult to perceive is the course of mighty justice when it hurries to strike down injustice as it raises its head.
>
> As the sunlight when it passes in the evening into the fire and into the watery orb of the moon, endowing with its own brilliancy the lamps and the moonlight, and setting upon these strikes down the rising darkness, thus justice, which follows the same course, drives off injustice. Justice invisibly keeps ever close to injustice, and seizes it immediately, as fire (is ever present in and at once seizes) fuel.[1]

Justice was one thing which the land needed badly, but justice was not easy to get. With an occasional respite, the country had been haunted for four or five centuries by bigotry, greed and fear, as a result of which the people were emasculated and the whole State reduced to wretchedness and poverty beyond description. The problem was not made easy by the crying need for restoration of law and order, ensuring the security of the people from external aggression, and for reviving their economic life. The pathans had drained the lifeblood of the community and Gulab Singh had to pay Rs 7,500,000, a very large amount in those days, to the British

[1] M. A. Stien, *Rajatarangini*, Vol. VI, pp. 61-4.

under the Treaty of Amritsar, an amount which could come only from the sweat and toil of the Kashmiris. As if this was not enough, the British aggravated the situation almost beyond repair owing to their general attitude to the princely states which was explained so clearly by Sir Thomas Munro, as early as 1817. Writing to the Governor-General he stated:

> There are many weighty objections to the employment of a subsidiary force. It has a natural tendency to render the government of every country in which it exists weak and oppressive, to extinguish all honourable spirit among the higher classes of society, and to degrade and impoverish the whole people. The usual remedy of a bad government in India is a quiet revolution in the palace, or a violent one by rebellion or foreign conquests. But the presence of a British force cuts off every chance of a remedy, by supporting the prince on the throne against every foreign or domestic enemy. It renders him indolent, by teaching him to trust to strangers for his security, and cruel and avaricious, by showing him that he has nothing to fear from the hatred of his subjects. Whenever the subsidiary system is introduced unless the reigning prince be a man of great abilities, the country will soon bear the marks of it in decaying villages and decreasing population. . . . Even if the prince himself were disposed to adhere rigidly to the (British) alliance, there will always be some amongst his principal officers who will urge him to break it. As long as there remains in the country any high-minded independence, which seeks to throw off the control of strangers, such counsellors will be found. I have a better opinion of the natives of India than to think that this spirit will ever be completely extinguished; and I can therefore *have no* doubt that the subsidiary system must everywhere run its full course and destroy every government which it undertakes to protect.[2]

The first effect of the extension of British control to Kashmir was the reorganization of civil departments to fill important posts in which administrators were brought into the State from the Punjab. The reason given was the absence of adequately educated and trained

[2]Quoted in Nehru's *Discovery of India*, Meridian Books Ltd., London, 1960, p. 311.

personnel in Kashmir for various branches of the administration. Thus employment which could have given a new lease of life to the sagging economy of the land was given to outsiders whose interests lay not in the State but elsewhere and who would depart with their savings on the completion of their service.

The hue and cry which the measure raised led in due course to a distinction which was made between resident and non-resident subjects. A new definition of the State subject was laid down, restricted to all persons born and residing in the State before the beginning of the reign of Maharaja Gulab Singh and also persons settled in the State before the beginning of the Saraswat 1942 and who had since been residing permanently in the State. This immediately debarred non-resident subjects from employment in the State and from engaging in agriculture, trade and business.

But the new definition helped the residents of the province of Jammu rather than those of the Valley, Ladakh or Northern areas, for the Dogra ruler gave preference to Hindu Dogras of Jammu, particularly the Rajputs to which the ruling family belonged. The distinction was based not on religion but on clan, for the Brahmans of the Valley, like their fellow citizens, Muslims, were not recruited for government service, though military service was open to Muslim Dogras. The problem became acute when a college was opened each in Jammu and the Valley. Where would the educated boys go if the State government persisted in its clannish discrimination? Educational facilities were also available to boys belonging to well-to-do families of the State in the Punjab and Aligarh, and many took full advantage of those facilities.

Although with the exception of the Dogras all the other communities were discontented, the first popular reaction to the State Government's policy was communal. It was totally against the genius of the people who had suffered from time to time at the hands of bigoted kings and counsellors but who had not fallen out amongst themselves as religious communities. For the first time in its history the majority community attempted to organize itself on religious lines for the attainment of political objectives. What is worse, the Reading Room Party,[3] as it was called, exploited incidents to inflame religious passion, admittedly against the government, but

[3]For details of the activities of the Party, see Prem Nath Bazaz, *Struggle for Freedom in Kashmir*, Kashmir Publishing Company, New Delhi, 1954.

also inevitably against the Hindus and Sikhs. It was an ugly development because it showed that the young Muslim leaders educated at Lahore and Aligarh had been infected by the virus of communal politics which the British were busy developing in British India. The proof came on 13 July 1931 when a Muslim mob looted Hindu houses and shops, killed three Hindus and wounded scores. This led to some retaliation on the part of the Hindus.

The consequences were tragic. Here was a new and much more serious threat to the people's hunger for secular democracy for which their genius and long history had fitted them and under which alone they could create conditions for helping the flowering of their innate respect for all faiths, intellectual independence, traditional tolerance, and cooperation with fellow citizens of various races, creeds, and languages. Bigotry and fanaticism had never been their distinguishing characteristic. But the State was no longer living in vacuum, its high mountains being powerless against developing communications and above all the printed word. Bigotry and fanatacism had already begun to raise their ugly heads in other parts of India to thwart the growing demand for freedom and independence. With numerous acts of omission and commission the British gave all aid to anti-national forces which divided Indian from Indians on the grounds of religion, thereby prolonging the life of their own reign. Riots had already taken place in the North-West Frontier Province, Punjab, Delhi, and other parts of India, the cry of the zealots igniting inflammable passions in which reason perished.

Whatever the causes and justification, the Reading Room Party's Communal programme and the subsequent creation of All-Jammu and Kashmir Muslim Conference was a retrograde step, anti-Kashmir in spirit, hostile to the struggle for freedom and, in fact, a pat on the ruler's back for pursuing a communal policy.

The Reading Room Party consisted of young zealots whose imagination had been fired by the freedom struggle in British India. One of them Sheikh Abdullah, an M.Sc. from Aligarh University and a junior teacher in a Srinagar High School, was to play a significant part in the politics of the State in succeeding years. Naturally the Party had no carefully worked out programme except perhaps for more jobs for Muslims in the administration. It therefore tried to rouse the Muslims from their slumber and make them aware of their rights and responsibilities. In the absence of a sound political

programme, this inevitably tended to inflame religious passions with their inevitable eruption into disorder, loot and harassment of non-Muslims. Even then the Reading Room Party's attitude to the State government betrayed a curious mixture of fear, defiance, and devotion to and dissociation from the masses. Being young and inexperienced, its leaders had to learn on the job. In 1932, the All-Jammu and Kashmir Muslim Conference was brought into existence. "Its history is nothing but the record of the struggle of the middle and upper class Muslims for the achievement of their class rights."[4] The Party continued to function till June 1939.

What was needed was equality before the law and justice for all. What Muslim Conference aimed at was justice for Muslims only. The progressive leadership in the Conference took some time to realize that in a land with a multi-religious and multi-linguistic society, a communal party would not be a success, for it could never reflect the problems and dreams of the masses who were not concerned with jobs for the few or for the few Muslims acting as top leaders. Their problems were not only political but also social and economic and they had to make up a frightening leeway before they could begin to feel that they were living in the twentieth century.

The first leader to realize this was Sheikh Abdullah. In his presidential address at the first session of the Muslim Conference held in Srinagar, Sheikh Abdullah made it clear that "the Kashmir movement is not communal but has come into existence to get the grievances of all classes of people redressed." "We assure our Hindu and Sikh brothers," he continued, "that we are prepared to help them in the same manner as we do the Musalmans. Our country cannot progress until we learn to live amicably with one another. That is possible only when we respect our mutual rights." Here was ancient Kashmir seeking a voice for its irrepressible urge, calling the people of this ancient land to sanity and order.

When the sixth session of the Conference was held in Jammu in March 1938, its President, Sheikh Abdullah went further: "Like us the large majority of Hindus and Sikhs in the State have immensely suffered at the hands of irresponsible Government. They are also steeped in ignorance, have to pay large taxes and are in debt and starving. Establishment of responsible government is as much a

[4] *Ibid.*, p. 165.

necessity for them as for us. Sooner or later these people are bound to join our ranks. No amount of propaganda can keep them away from us."

The main problem, he explained, was to organize joint action and put up a united front against the forces that stood in their way. That would necessitate the "rechristening of our organisation as a non-communal political body." The traditional attitude of the people of Kashmir to themselves, their government, and their faith had reasserted itself and was seeking to undo the mischief which the earlier activities of the Reading Room Party and Muslim Conference had done. "Firstly we must end communalism by ceasing to think in terms of Muslims and non-Muslims when discussing our political problems. Secondly, there must be universal suffrage on the basis of joint electorates. Without these two democracy is lifeless."

The Working Committee of the Conference adopted a resolution on the subject at its meeting held in Srinagar on 28 June 1938:

> Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of responsible government the Working Committee recommends to the General Council that in the forthcoming annual session of the Conference the name and constitution of the organisation be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the Conference irrespective of their caste, creed or religion.[5]

The freedom struggle, embracing all communities, thus acquired a broad political front instead of narrow religious one. The resolution recommended by the Working Committee was adopted by the Conference on 11 June 1939, only three delegates out of 176 opposing it. Ghulam Abbas also supported it. Thus was converted a communal organization into a State front, opening its doors to members of all communities. When the new party, the All-Jammu and Kashmir National Conference, held its first session in Anantnag in October 1939, it demanded a responsible government

[5]*Ibid.*, p. 169.

subject to the general control and the residuary powers of the Maharajah and responsible to an elected legislature, with a provision for the representation of labour, trade, landholders and educational interests. Adult franchise and joint electorates were also recommended, with a reservation of seats for the minorities. The National Conference laid emphasis on the rule of law and recruitment to services being thrown open to members of all communities.

By this time the pattern of politics in India had begun to affect the political movement in the State. The struggle between the Indian National Congress with its secular, democratic programme for the masses and the Muslim League which drew its inspiration from the Muslim faith recognized no State borders, overflowing into Jammu and Kashmir as it did into other princely States. "Religious barriers," as Nehru observed, "are obviously not permanent, as conversion can take place from one religion to another, and a person changing his religion does not thereby lose his racial background or his cultural and linguistic inheritance. Latterly religion, in any real sense of the word, has played little part in Indian political conflict, though the word is often enough used and exploited. Religious differences, as such, do not come in the way, for there is a great deal of mutual tolerance for them. In political matters, religion has been displaced by what is called communalism, a narrow group mentality basing itself on a religious community but in reality concerned with political power and patronage for the interested group."[6]

This was not the view of Mohammed Ali Jinnah, the founder of Pakistan. While he was not responsible for the creation of a communal atmosphere in India which had been carefully nourished by the British in pursuit of their policy of "Divide and Rule" he converted it into a weapon which in time brought about, in the name of religion, one of the biggest bloodbaths in human history. "We are a nation of a hundred million," he said, "and, what is more, we are a nation with our own distinctive culture, civilisation, language and literature, art and architecture, names and nomenclature, sense of value and proportion, legal laws and moral codes, customs and calendar, history and tradition, aptitude and ambition—

[6]Nehru, *op. cit.*, p. 387.

in short, we have our own distinctive outlook on life and of life."[7] On another occasion he said that in every way Hindus and Muslims were different, forgetting that his own ancestors were Hindus.

Thus, to Jinnah there was nothing in common between Hindus and Muslims and he made it a point to exploit their real or imaginary differences for political purposes. Once the cry for Pakistan was raised at Lahore in 1940, it began to cast its shadow on some of the Muslim leaders of Jammu who had already resigned from the National Conference and revived the Muslim Conference with the help of Mir Waiz Yusuf Shah and his followers. Narrow sectarian considerations began to infect Kashmir politics as they were already poisoning Indian political life.

And so a section of the people of Kashmir began to look at political, social and economic problems through the distorting lens of religion. This was not altogether a new development. The Dogra rulers had made a distinction between Muslims and non-Muslims as some Muslim rulers had done in the past, but this had made little difference to the people who rejected the barrier in their daily relations with one another. But now under the influence of Muslim politics in the neighbouring province of Punjab, and the Muslim League generally in British India, the age-old vision of the people tended to become bi-focal.

Meanwhile Sheikh Abdullah still hovered between secular and sectarian convictions. In 1940, when he began to attack Hindus he almost reverted to his original position in the early thirties. The real shock came when Jinnah paid a visit to the State in 1944. In a statement in Srinagar on 25 July, Jinnah said:

> As I said on my arrival in Jammu, it is not the policy of the Muslim League to interfere in the administration of the State or to raise grave issues between the Maharajah's Government and the people....Regarding the Musalmans, as I said, we are vitally concerned with their welfare, and I regret that, although Sheikh Abdullah and his party and the Muslim Conference discussed matters with me in Delhi and Lahore before my arrival here, and were good enough to give me great reception, and were anxious that I should hear both sides and bring about a settlement, when I, after careful consideration, suggested that Musalmans should organise themselves under one flag and one platform, not only that my advice was not acceptable to Sheikh Abdullah, but he indulged in language of a most offensive character in attacking me.[8]

[7] Jamil-ud-Din Ahmad, *Speeches and Writings of Mr. Jinnah*, Vol. II, Mohammed Ashraf, Lahore, 1964, p. 113. For further details, see author's *The Pakistan-China Axis*, Asia.

Abdullah was disillusioned. There was no room for compromise with Jinnah who wanted all or nothing. Abdullah retorted by saying that the National Conference owed no apologies to Jinnah for its existence. Starting with the Muslim Conference as a sectional organization in 1932, Kashmir leaders had passed on to a higher stage of political evolution in 1939. "Viewing the position from an all-India perspective, we find that Mr. Jinnah has repeatedly declared that he does not extend his plans of Pakistan to the Indian States. Thus his conception of Islamic sovereignty conveniently halts at the customs barrier which divides our State from British India. Yet when it comes to giving advice, Mr. Jinnah trespasses over his own boundaries."[9]

The gulf began to widen between National Conference and Muslim Conference supported by Muslim League. The difference which divided them was basic. Whereas National Conference in spite of its vascillating leadership under Abdullah was seeking its natural level in traditional, tolerant politics, some Muslims under the inspiration of outside leaders, who had no sympathy for the history and achievements of the Kashmir people, were pulling it out by the roots. Muslim League leaders were like Sikander Butshikast or Pathan governors who were blind to everything except their own bigotry. Muslim League which supported them fully was thus busy planting seeds of violence and conflict in the State, and in a sense seeking to destroy the soul of its people.

In 1944 National Conference declared its programme in a Manifesto called *New Kashmir*. Divided into two parts, the constitution of the State and the National Economic Plan, the Manifesto emphasized the equality of citizens before the law in matters of fundamental rights and the right to work, and asked for an elected national assembly with a council of ministers responsible to it. Nationaliz-

[8] *Ibid.*, p. 62-3.

[9] *Indian Annual Register*, 1944, Vol. I, p. 238.

ation of key industries was recommended, as abolition of private monopoly and the big private capitalist. Women were to be accorded equal rights with men in all fields of national life, including the right to elect and be elected to all institutions of the State. Here was a bold socialist programme, far beyond anything which the Muslim League had conceived, a challenge to feudalism which was the bedrock of the League. Planned economy was emphasized and everyone "was guaranteed freedom from want but no parasite was to be granted a share in consumption goods." The ruler would continue but without any real power. In the Manifesto Abdullah said in a foreword: "We shall build again the men and women of our State who have been dwarfed for centuries of servitude, and create a people worthy of our glorious motherland."

Events in Kashmir were moving fast towards a political watershed where National Conference would have to take a fateful decision. Against the background of developments in India and the machinations of Muslim Conference, Abdullah challenged the validity of the Treaty of Amritsar and called upon the ruler to quit Kashmir. This was something on the lines of the Congress demand on Britain to quit India. Abdullah was arrested, tried, and sentenced to three years' imprisonment. It was on Abdullah's arrest that Nehru rushed to the State but was detained by the State authorities at Uri until he was asssured by Maulana Azad, then President of the Indian National Congress, that the Working Committee had decided to take the matter into its own hands,[10] when he returned from the State.

Jinnah's comment on the "Quit Kashmir" movement was on the same lines as his criticism of the "Quit India" movement. It was intended, he said, to coerce the Muslims to recognize the National Conference as the sole representative of the State People: the Kashmir Muslims did not support the movement.

The struggle for equality before the law which began under the Dogra rulers thus entered a critical phase. The Muslim Conference, like the Muslim League believed in equality before the law but only for Muslims. Non-Muslims were outside the pale of what they conceived to be democracy or freedom. Secularism was threatened with fanaticism which believed in freedom for one religious group and which was not prepared to look at the problem from the point

[10]Congress Working Committee's Resolution on Kashmir on 25 September 1946.

of view of history and the social and economic needs of the people. These recognized no religious barriers and yet emphasis on these barriers condemned people of all creeds to grinding poverty and continued rejection of their rights and responsibilities by those in power. If the struggle then being waged in British India between Congress, which stood for nationalism and secular democracy, and the Muslim League, which claimed allegiance to a religion, and this with the full support of the British in power, was to be repeated in Kashmir, the consequences would more likely be similar in their disastrous amplitude—the same falsification of history, of the universality of basic human needs, and the same violent conflict and bloodshed.

The unfailing corrective inherent in the temperament and tradition of the people, whether in Kashmir or other parts of India, which had always come into play after the most exacting trials, restoring sanity, soothing ruffled feelings, and opening the eyes of the people once again to their cultural, social, and economic unity, was anathema to the League and the Muslim Conference. "Islam in danger" was a convenient slogan which snuffed out reason and opened the floodgates of violence. Would the people's faith in tolerance and humanity survive the mortal struggle?

The stakes were high. Jinnah was determined to Balkanize India, and so were the British. This was a gambel in which, supported by the paramount power, he could never lose. He might not get everything, but he was bound to get something which would be substantial enough to checkmate the nationalist forces of India and put Gandhi and Nehru in their place. In a sense the struggle in the State was part of a larger struggle in India as a whole, an alien power desperately fighting for survival, throwing all scruples to the winds and catching at every straw of anti-national forces in the upheavel then in progress. Jinnah and his instruments, the Muslim League and the Muslim Conference, were fishing in troubled waters as a matter of carefully calculated policy. They were no more interested in the organic unity of India than a wolf in protecting the life of the lamb. Nehru had already visited the State in 1944 and again in 1946, though on the second occasion only to be detained. Gandhi paid a visit to it in 1947 and uttered his memorable words: "In Kashmir alone I see a ray of light." His words proved prophetic.

On the eve of independence in British India, communal forces had already begun to redden the political sky, challenging the philosophy of co-existence which until the British came commanded the habit, if not the faith, of the people. In Kashmir the party which was the spearhead of the political tussle was struggling against suffocating repression let loose by a ruler strangely out of tune with the times, while the opposition party leaders basked in the sunshine of his favour and plotted to end his reign. One of its leaders Mir Waiz Yusuf Shah, in a rare moment of sycophancy, had described the Maharaja as "God's shadow on earth." Muslim Conference leaders held aloof from the tribulations of the National Conference, aping the Muslim League in tactics and policy. Like vultures, its leaders waited for the rival body to collapse.

CHAPTER SIX

FAITH ON TRIAL

WHEN INDIA was partitioned, Sheikh Abdullah was in jail but the National Conference was active under its leaders, with the Muslim Conference peering over the border of the State into Pakistan which had begun to take a shadowy form in the fire and smoke of burning towns and incredible slaughter. The new Prime Minister of Kashmir, Kak, was a man without a vision and equally bereft of tact and political judgement. Meanwhile the ruler, had he listened to reason, could have, by acceding to India or Pakistan before 15 August 1947, turned the course of events into less turbulent channels, but he preferred to sit on the fence and mark time. Had he acceded to Pakistan, India would have accepted his decision, as Lord Mountbatten, then Governor-General, had already assured the ruler on behalf of the Government of India.[1] Similarly. if he had chosen to cast his lot with India, no problem would have arisen, because before 15 August Pakistan had not even come into existence.

But events moved fast and the ruler who had dreams of an independent Kashmir, as Abdullah has today, offered a standstill agreement to both India and Pakistan. This was done by telegram. Pakistan agreed but to India a standstill agreement meant much more than the mere continuance of existing arrangements, including as it did in its model standstill agreement defence, foreign affairs, and communications. The ruler was, therefore, asked to send a representative to Delhi for discussion. Meanwhile, as required

[1]Alan Campbell-Johnson, *Mission with Mountbatten*, Robert Hale Ltd., London, 1952, p. 120. As for the Pakistan charge that Kashmir was a deep-laid Indian plot aided and abetted by Mountbatten, H.V. Hudson writes: "Available documents supply no material whatever to support the myth, and indeed all the evidence indicates the countrary" (*The Great Divide*, Hutchinson of London, 1969, pp. 441, 444).

under the Indian Independence Act of 1947, existing arrangements of the State of Jammu and Kashmir with the new Government of India continued.

On 29 September, Abdullah was released, and a new Prime Minister, Mehar Chand Mahajan, a judge of the Punjab High Court, replaced Kak. Abdullah was faced with a difficult decision. He could not support the ruler who had shown little willingness to accept the political awakening among his people and who regarded the National Conference as well as the Muslim Conference as a threat to his throne. He could not give a lead on the issue of accession because as he explained at the time what the State needed first was political freedom without which any consideration whether Kashmir should accede to India or Pakistan would be futile and purposeless. The immediate problem was liberation from the chains of slavery in which the ruler held them captive. In these circumstances neither India nor Pakistan, he argued, should expect the National Conference to waste its time over the question of accession. His party needed help in its struggle against an autocratic ruler and if the Congress and Muslim League were prepared to join the Kashmiris in their crusade for freedom, there would be time enough for taking a decision on the State's ultimate relationship with India and Pakistan.

In this approach to the problem, India agreed with Abdullah. Had not Sardar Patel already authorized Mountbatten on his visit to Srinagar to tell the ruler that he was free to decide the issue of accession and could accede to Pakistan if he liked?[2] India was in no hurry for an immediate solution of the question. Pakistan was. Accordingly Pakistan put pressure on the State from many sides. The Pakistan Radio and newspapers incited the Muslim population of the State to rise against the Hindu ruler who, they said, was a threat to Muslims and Islam. The appeal was openly religious, directed to the baser elements of human nature, namely those of lust, loot and murder. To Pakistan leaders it was presumably a case of now or never. In the holocaust of partition even a camel might pass through the eye of the needle. What was impossible in normal times might be accepted as part of chaos which had already begun to overtake West Pakistan and North India.[3]

[2]Alan Campbell-Johnson, *op. cit.*, p. 240.

[3]For details, see author's *The Kashmir Story* and *The Pakistan-China Axis*, Asia,

For there is enough evidence to show that the leaders of Pakistan were not only preparing plans for smoking out all non-Muslim minorities from Pakistan but, in the widespread breakdown of social order thus brought about, to grab territories which were not in a position to defend themselves. Its leaders had already tried to secure by fraud the accession of the States of Jodhpur, Bikaner, Jaisalmer. They had cheated the non-Muslim majority of Junagadh out of their right to self-determination and their openly declared desire to accede to India, and started trouble in Hyderabad. Muslim officers, even before India was partitioned, had begun to draw up plans for the invasion of Kashmir with the full knowledge and cooperation of senior British military officers. The Surveyor-General of India whose office provided a large number of restricted maps of Jammu and Kashmir to those officers for what was described as "Operation Gulmarg," could not have been ignorant of this development, much less the British officers serving in the Directorate of military operations in the Army Headquarters. For anyone or everyone could not obtain these maps from the Survey of India.

This was how the Pakistan Government honoured the standstill agreement. Railway service to the State was stopped. The trade along the Srinagar-Rawalpindi road, a major route for tourist and commercial traffic, was terminated, the Pakistan authorities permitting neither exports from Kashmir nor even imports of essential supplies like petrol, wheat, salt, kerosene oil and cloth. This economic blockade tampered with communications and hindered free transit of people. Jinnah had already expressed his desire to spend some time in the Valley of Kashmir ostensibly for the sake of his health, but in reality, as subsequent events showed, not only to put pressure on the ruler but to welcome the Pakistan invaders. The ruler expressed his inability to extend to Jinnah the courtesies due to the Head of a neighbourly State. Robbed of the pleasure of watching Kashmir falling into his mouth like a ripe plum, he organized border incidents, incursions into the State and finally an invasion by Pakistan irregulars. "Jinnah at Abbotabad," observed Mountbatten, "had been expecting to ride in triumph into

Bombay. How Mudie, then Governor of West Punjab, threw the Sikhs across the border into India is explained in his letter to Jinnah; see Michael Brecher, *Nehru*, Oxford University Press, 1959, p. 361.

Kashmir. He had been frustrated."[4] Invasion by Irregulars was followed by a full-fledged invasion by the regular army of Pakistan.

The ruler had already given details of what was going on in a telegram which he sent to the British Prime Minister on 15 October 1947. He stated:

> People all along the border have been licensed and armed with modern weapons under the pretext of general policy which does not appear to have been followed in the case of internal districts of West Punjab. Whereas military escorts are made available for several other purposes none is provided for safe transit of petrol and other essentials of life. Protests merely elicit promises which are never implemented. As a result of obvious connivance of the Pakistan Government the whole of the border from Gurdaspur side up to Gilgit is threatened with invasion which has actually begun in Poonch.

Here was a challenge to the secular principle, a challenge in the shape of death and dishonour, which spurned compromise and which must have all or nothing. And all this in the name of religion, a convenient cloak to hide expansionist designs, an assumed political affinity based not on a free and considered declaration by the people of Kashmir, but on a faith which was considered good enough to justify annexation and territorial aggrandisement. With all the horror accompanying it, the issue was simple. Were the Muslims of Kashmir prepared to be sold into helotry for the privilege of sharing the same faith with the people of Pakistan? Were the people of Kashmir supposed to have a free will or was freedom in Pakistan considered good enough to snuff out freedom in neighbouring Muslim territories or what came to the same thing, to make it impossible for them to struggle for their freedom ? Merely because they professed the same religion, would the subjects of Kashmir welcome the invaders who came with the chains of slavery, and spread the red carpet before the intruders? The answer which the Kashmiris gave was an emphatic "No."

The people in Srinagar rallied round the banner of the National

[4]Campbell-Johnson, *op. cit.*, p. 225.

Conference and home guards, using civilian trucks, took positions to defend their town. In the words of Nehru:

> Srinagar was in peril and the invader was almost on its doorsteps. There was no administration left there, no troops, no police, light and power had failed and there were a vast number of refugees there and yet Srinagar functioned without obvious panic and the shops were opened and people went about the streets. The National Conference and their unarmed volunteers, Muslims, Hindus and Sikhs, took charge of the situation, kept order and prevented panic. It was a wonderful piece of work that they did at the moment when the nerves of most people might have failed them. They did so because of the strength of their organisation but even more so, because they were determined to protect their country from the ruthless invader who was destroying their country and trying to compel them by terrorism to join Pakistan. Whatever the future may hold, the people of the Valley of Kashmir have exhibited during these past few days remarkable courage, capacity for organisation and unity.

Abdullah has described the crisis which overtook the State in his own words:

> Soon after my release I heard of preparations along the western borders of Kashmir for some kind of invasion or raid. Armed people infiltrated into the State territory and in many places there were armed conflicts. I came to Delhi to preside over the Standing Committee of the States' People's Conference. The very day I returned to Srinagar, news came that a large party of armed and well-equipped raiders travelling in motor lorries had entered Kashmir via Abbotabad Road near Muzaffarabad. These raiders created havoc and looted Muzaffarabad and other places. They marched towards Srinagar. It was obvious also that this invasion was meant to coerce and compel the people of Kashmir to act in a particular way, namely, to accede to Pakistan. Every Kashmiri was shocked by the raid and the ruin in the trail of this raid. Every Kashmiri resented the compulsion on his will. The question of accession to India or Pakistan became a secondary issue and the first duty of every Kashmiri was to defend his

motherland against the intruder. They refused to be compelled to accede to Pakistan in this way.

I came to Delhi for a few hours to consult my colleagues and to explain the present critical position in Kashmir to members of the Government of India. I asked them on behalf of the people for help in resisting this brutal raid. The Maharaja's Government had also made this request to the Government of India. I am now going back to my people in Kashmir to stand shoulder to shoulder with them in defending our heritage and our homeland and to share with them the perils and sorrows that may be in store. I know the spirit of my people and I am sure that we shall triumph in the end. I appeal to all lovers of freedom in India or Pakistan to stand by the people of Kashmir in this hour of trial and to denounce the raiders who have come to bring sorrow and disaster to our country.[5]

Faith in the secular principle was having its baptism of fire. Abdullah's own convictions were being put to the test. The conversion of the Muslim Conference into National Conference could have been at best a matter of tactics, adopted to achieve certain political ends without involving himself or the party in any idealist approach to the problem. Not many political theories survive the flash of gunpowder. If faith in the secular way of life could defy death which stalked the land, it was a new dawn in the life of the people. Religious tolerance which had been growing silently in the broad-based culture of the people, as king followed king, and one invader bowed out after another, now showed its mettle. Nowhere were the invaders received as liberators, as Pakistan leaders fondly hoped, but as a plague and a curse. What is more, the people resisted the freebooters from Pakistan and fought them side by side with the Indian troops.

"In the name of the people of Kashmir," said Abdullah, "I invite observers from all countries, especially Islamic countries to come and see for themselves what the invaders have done to destroy the homes of those very Muslims for whose very deliverance they pretended they were coming in the name of Islam as "friends from Pakistan." What the invaders did to the people was branded into

[5] *The Hindu*, 28 October 1947.

the soul of Abdullah. Nothing was holy to them and they shrank from nothing, however despicable. "The invaders who came in the name of Pakistan to make us believe that they were true servants of Islam," said the outraged Abdullah, "scorched our land, ruined our homes, despoiled the honour of our women and devastated hundreds of our villages. These lovers of Pakistan dishonoured even the *Koran* and desecrated our mosques which they turned into brothels to satisfy their animal lust with abducted women."[6] Abdullah asked where these liberators were when the National Conference had raised the slogan of "Quit Kashmir"? Where were Jinnah and Liaquat Ali when poor Kashmiri Muslims were fighting for their independence in Kashmir? he asked.

Holding that Pakistan was an un-Islamic State, Abdullah said on 10 October, 1948: "The first proof of this was its demand to kill every Hindu and Sikh and to usurp their property." He doubted whether the Muslims of Pakistan could be called genuine Muslims since they had violated the last precept prescribed by the Prophet during his final pilgrimage, namely, to protect the life, honour and property of fellow human beings, irrespective of caste, colour or creed. Addressing the Muslims of Pakistan in his Id message of 4 October 1949, he said: "In view of what you have done in Muzaffarbad, Mirpur, Kotli and Rajauri, is it possible for you to call yourselves Musalmans of a representative Muslim State? You belong to a group of false priests who profess one thing but act otherwise."

This is how the army of Muslim Pakistan treated the Muslims of Jammu and Kashmir, according to the top Kashmir leader—himself a Muslim—of the National Conference at the time. If Pakistan treated the State people as flies to be crushed and their honour and property as a prize for freebooters, there was little that they could look forward to in any political association with it. The embrace which Pakistan described as fraternal was in truth an embrace of death. Pakistan was out to seize not only the body of the people which was their State but also their soul. The struggle was, therefore, much deeper in its significance. Pakistan was seeking to commit cultural genocide, as years later it did in East

[6] *Hindustan Times*, 20 November 1947.

Bengal. Abdullah was aware of this: hence his implacable hostility to Pakistan aggression.

Two things were at stake—religious and cultural tolerance which was alien to Pakistan leaders and a democratic structure in which social legislation designed to reduce the pressure of the few on the many could be undertaken. Abdullah dealt with these two points again and again over the years. When in May 1946, observed Abdullah, the National Conference made a final bid "for termination of the autocratic regime and its repressive machinery which was let loose to subdue the spirit of the masses, Mr. Jinnah expressed his 'Islamic' sympathy with the Muslims of this State by characterising, in a press statement, our freedom struggle as an agitation carried on by a few malcontents who were out to create disorderly conditions in the State." Curiously enough, went on Abdullah, inside the State itself pro-Maharaja elements rallied round the Kashmir Muslim Conference and one of its top leaders hailed the Maharaja as the "Shadow of God."[7]

Abdullah was equally unsparing in his criticism of Pakistan leaders' lip service to democracy. What was Pakistan's record in the national struggle for freedom and democracy? "All along the Muslim League leadership supported the claims of the princes to be the rightful spokesman of the people of the Indian States. As against this, the attitude of the Indian National leadership stood in vivid contrast. This basic aspect of the situation deserves to be reiterated. Today we hear a good deal of prattle from the press and in some quarters in Pakistan about democracy and the people's rights. I am sure that every Kashmiri remembers recent history and as such can tear through the thin veil of these false professions. Was it democracy to uphold the privileges of the princes in preference to the rights of the peolple? Was it democracy to unleash barbaric violence against a peaceful and unarmed people in order to force them into a coercive alliance?"[8]

Thus as in British India, so in Kashmir, the national forces were democratic and secular but found themselves, because of British machinations, struggling against anti-national and theocratic currents

[7] *Hindustan Times*, 30 August 1951. The top leader mentioned by Abdullah was Mir Waiz Yusuf Shah who subsequently served for some time as President of the so-called Azad Kashmir.

[8] In the Jammu and Kashmir Legislative Assembly on 14 November 1952.

which were feudalistic and determined to maintain past privileges that had abridged the freedom of the common man. The struggle was not superficial but deep and in a sense all-pervasive. The people had broken the teeth of the invader. At least for the time being secular nationalism had triumphed over bigotry and religious expansionism. Would the faith in secular democracy last or would the surge of enthusiasm, like the ebbing tide, subside and withdraw, never to reawaken the people to the goal they had set for themselves. That was the question.

How the tide of secular enthusiasm continued to advance for four years after the State was invaded from Pakistan, is demonstrated nowhere more graphically than in Abdullah's address to the Jammu and Kashmir Constituent Assembly on 5 November 1951.[9] With justified pride he declared:

> I may be forgiven if I feel proud that once again in the history of the State, our people have reached a peak of achievement through what I might call the classical Kashmir genius for synthesis, born of tolerance and mutual respect. Throughout the long tale of our history the highest pinnacles of our achievement have been scaled when religious bigotry and intolerance ceased to cramp us and we have breathed the wider air of brotherhood and mutual understanding.

Abdullah then went on to deal with the disadvantages of acceding to Pakistan, a subject which he examined from many angles. He said:

> The most powerful argument which can be advanced in her [Pakistan's] favour is that Pakistan is a Muslim State and a big majority of our people being Muslims the State must accede to Pakistan. This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying by these methods to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question. Sentiment has its own place in life, but often it leads to irrational action.

[9] See Appendix II.

Some argue, as supposedly natural corollary to this, that on our acceding to Pakistan our annihilation or survival depends. Facts have disposed of this. Right thinking men would point out that Pakistan is not an organic unity of all the Muslims in the sub-continent. It has on the contrary caused the dispersion of the Indian Muslims for whose benefit it was claimed to have been created. There are two Pakistans at least a thousand miles apart from each other. The total population of Western Pakistan, which is contiguous to our State is hardly 25 million, while the total number of Muslim residents in India is as many as 40 million. As one Muslim is as good as another, the Kashmiri Muslims if they are worried by such considerations should choose the 40 million living in India.

This was not the only side of the matter. Abdullah continued:

Looking at the matter too from a more modern political angle, religious affinities alone do not and should not normally determine the political alliances of States. We do not find a Christian bloc, a Buddhist bloc or even a Muslim bloc, about which there is so much talk now-a-days in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of States.

Besides what was to happen to the minorities which numbered nearly a million in the State?

We have another important factor to consider, if the State decides to make this the predominant consideration. What will be the fate of the one million non-Muslims now in our State? As things stand at present, there is no place for them in Pakistan. Any solution which will result in the displacement or the total subjugation of such a large number of people will not be just or fair, and it is the responsibility of this House to ensure that the decision that it takes on accession does not militate against the interests of a religious group.

Pakistan claimed to fight for the "liberation" of Kashmir when it did not even possess a constitution and its people enjoyed no

fundamental rights.

On the debit side we have to take into account the reactionary character of her [Pakistan's] politics and State policies. In Pakistan, we should remember, that the lot of the State subjects has not changed and they are still helpless and under the heel of their rulers who wield the same unbridled power under which we used to suffer. This clearly runs counter to our aspirations for freedom. Another big obstacle to a dispassionate evaluation of her policies is the lack of a constitution in Pakistan. As it stands at present this State enjoys the unique position of being governed by a Constitution enacted by an outside Parliament which gives no idea whatsoever of the future shape of civic and social relations. It is reasonable to argue that Pakistan cannot have the confidence of a freedom-loving and democratic people when it has failed to guarantee even fundamental rights to its citizens. The right of self-determination for nationalities is being consistently denied and those who fought against imperialism for this just right are being suppressed with force. We should remember Badshah Khan and his comrades who laid down their all for freedom, also Khan Abdus Samad Khan and other fighters in Baluchistan. Our national movement in the State considers this right of self-determination inalienable, and no advantage, however great, will persuade our people to forego it.

This long extract from Abdullah's inaugural address to the Jammu and Kashmir Constituent Assembly gives a clear picture of the degree to which the secular and democratic principles had developed in the State by 1951. After careful consideration and after weighing advantages and disadvantages in the balance of experience, the National Conference leaders proclaimed their faith in these principles as they had done thirteen years earlier when the Muslim Conference was converted into National Conference. Abdullah's address was on the lines of a resolution which the National Conference had adopted at a special convention in October 1948.

This convention has given its serious thought to the question of accession and has examined it in all its aspects and detail. After mature consideration of the case it is definitely of the opinion that

> Kashmir, with its unflinching faith in New Kashmir and with the very advanced outlook of the people on the fundamental issues, cannot find its proper place in Pakistan which today has become the main citadel of reaction and decaying feudalism.... Pakistan with its basis in two-nation theory and its persistence in the perpetuation of religious distinctions does not and cannot accommodate a programme and an outlook which is the very negative of its basis and conceptions of social justice.

Thus, Pakistan gunpowder strengthened the forces of secular democracy in Kashmir instead of weakening them.

Abdullah continued to emphasize these two features of his government's policy on formal and informal occasions. On the occasion of Id on 24 June 1952, he said: "Our relationship with India is not a product of sentiment. We have contracted this relationship after giving it ample thought and deliberation. We have taken this step because our ideal and our path is common and one. Those who want to weaken these relations are not only playing a traitor to the sacred principles of humanity but also indulging in a dangerous game with the independence and freedom of their country." On 26 July in Srinagar he said that Kashmiris could not have achieved so much progress if she had acceded to Pakistan because the rule of Nawabs and Jagirdars was being perpetuated there and Pakistanis were being subjected to tyranny and exploitation as in the days of the British. And on the following day he proclaimed the secular and democratic character of India: "In fact India belongs neither to Hindus nor to Muslims nor to Sikhs. In India there is complete freedom and equality for everyone. In this very India we are terminating today the 106-year old ruling dynasty of Kashmir. If India were a Hindu country, how could it have supported us in doing away with a Hindu Maharajah? But in Pakistan old Nawabs still rule."

This note was repeatedly struck. Kashmir had united with India not because it had been lured by any material gains but because it was at one with it in the Gandhian ideals of justice, equality, and humanity. He said at Indore on 12 September 1952: "We believe in these principles, we believe in them now and we shall continue to hold fast to them till our last breath." Kashmir did not look to Pakistan, he said in Madras on 21 January 1953, when there was

only a Muslim population left there after partition and not a single Indian soldier. Kashmir had rejected Pakistan and fought the battle single-handed; why should anybody doubt that Kashmir would not stand by India, after India had done so much for Kashmir?

Clearly Abdullah, the spearhead of secular and democratic urges in Kashmir, left no one in doubt about his own dedication to them, his uncompromising opposition to Pakistan which had rejected the same urges, and about Kashmir being inseparable from India in which similar forces were in full operation. Such was the kernel of his political faith and the driving force of his policy and programme to which he had drawn attention on the air and from the platform. Were these beliefs transitory and intended merely to serve the object of the moment or were they firmly-rooted convictions which had stood the test of time? In the latter case the struggle would continue against blind opposition which is afraid of light and movement and which prefers to spin round its past achievements to greater promises in the future, but progress would most likely continue and the tender plant of secular democracy burst into blossom in course of time. If, on the other hand, secular democracy was a passing passion, destined to exhaust itself when faced with a persistent challenge from those who stood to lose most by its success, the leadership would come into conflict with the deeper and traditional aspirations of the people, promoting an entirely unnecessary conflict which would only dissipate the energies of the leaders. While there were doubting Thomases who refused to treat Abdullah's statements seriously, there were others who saw reflected in them a transparent honesty and political convictions which time could not shake. Only future would tell which group was right.

CHAPTER SEVEN

ROOTS OF TOLERANCE

THE DEVELOPMENT of religious tolerance in Jammu and Kashmir as a basis of government and its policy has its roots in the broader and deeper cultural soil of India. Hindu religion and society—and this includes Buddhism—has for centuries believed in the co-existence of many faiths and beliefs. Orthodox Hinduism does not believe even in conversion which has been and still is the cause of much tension and conflict in human society. Although such an attitude leads to stratification of society with its own evils, instead of assimilation of various religious groups in the larger good of human life, the belief that those outside the fold must be saved from themselves is not only bigoted arrogance but a pathetic demonstration of man's amazing capacity for self-deception. In the last analysis the struggle is for a change in labels which is quite often brought about by the missionaries taking advantage of the convert's ignorance, fears, and poverty. The object, in effect, is not so much the spread of enlightenment as to add to the number of the faithful, and all this has quite often political, territorial, and imperialist undertones. Proseltizing religion believes more in statistics than light which it claims to possess.

This attitude towards religion particularly in its relation to the State pervaded the thinking of many top leaders of the Indian National Congress which adopted a resolution on fundamental rights in Karachi in 1931. "Every citizen shall enjoy freedom of conscience and the right freely to profess and practice his religion, subject to public order and morality." More specifically it asserted: "The State shall observe neutrality in regard to all religions." The difference between Nehru and Gandhi, though they tended to the same conclusion, was of interest.

Gandhi believed all religions to be true. Indeed, he pleaded for

a universal religion which would comprise the basic truths underlying all religions. The State, therefore, had to regard all religions as equal. Gandhi's approach was thus based on his intense belief in the truth of religion. Gandhi's starting point was of a religious man who, believing all religions to be true, accepted the theory of a state which fitted in with this belief; hence the secular State. Nehru's starting point was that of a practical political thinker and leader who, while personally believing all religions to be mostly untrue, had to provide for their freedom to function peacefully without prejudicing the democratic system; hence the secular State. To Nehru the secular State was the cardinal doctrine underlying modern democratic practice.[1]

Behind both was a long tradition of religious tolerance extending over more than two millennia. "It is an undoubted fact," says Smith, "that in India religious and philosophical thinkers were able to enjoy perfect, nearly absolute freedom for a long time. The freedom of thought in ancient India was so considerable as to find no parallel in the West before the most recent age."[2]

Nehru explained the background and what Congress proposed to do when it came into power.

> There was no dispute about the usual provisions for minority protection, such as the League of Nations used to lay down. All those were agreed to and much more. Religion, culture, language, the fundamental rights of the individual and the group were all to be protected and assured by basic constitutional provisions in a democratic constitution applying equally to all. Apart from this, the whole history of India was witness of the toleration and even encouragement of minorities and of different racial groups. There is nothing in Indian history to compare with the bitter religious feuds and persecution that prevailed in Europe. So we did not have to go abroad for ideas of religious and cultural toleration; these were inherent in Indian life. In regard to individual and political rights and civil liberties, we were

[1]M.C. Setalvad, *Patel Memorial Lectures on Secularism*, 1966.
[2]Donald Eugene Smith, *India as a Secular State*, Princeton University Press, 1963, p. 61.

influenced by the ideas of the French and American revolutions, as also by the constitutional history of the British Parliament. Socialist ideas, and the influence of the Soviet revolution, came later to give a powerful economic turn to our thoughts.[3]

Other factors also helped the growth of the secular State in India—the British policy of religious neutrality, an independent judiciary, a secular educational system and the traditions of modern administration.[4]

When the political struggle against the British ended and India attained its freedom, though after dismemberment, these ideas were given a practical shape. A Constituent Assembly which had already been set up was busy hammering out a secular, democratic constitution. Nehru put the matter beyond any shadow of doubt. He said:

> So far as India is concerned we have very clearly stated both as Government and otherwise that we cannot think of any State which might be called a communal or religious State. We can only think of a secular, non-communal, democratic State, in which every individual, to whatever religion he may belong, has equal rights and opportunities. It was natural for the predominant cultural outlook of a country to be governed by the majority of its population but no person should have a special right because he happens to profess a particular creed and no person should be deprived of any right because he professes some other creed. We want a secular, democratic State. That has been the ideal of the Indian National Congress ever since it started 65 years ago and we have consistently adhered to it.

What the secular State of India means or does not mean has been explained by Radhakrishnan.

> When India is said to be a secular State, it does not mean that we reject the reality of an unseen spirit or the relevance of religion to life or that we exalt irreligion. It does not mean that secularism

[3] *Discovery of India*, p. 387.
[4] Smith, *op. cit.*, p. 99.

> itself becomes a positive religion or that the State assumes divine prerogative. Though faith in the Supreme is the basic principle of the Indian tradition, the Indian State will not identify itself with or be controlled by any particular religion. We hold that no one religion should be given preferential status, or unique distinction, that no one religion should be accorded special privileges in national life or international relations for that would be a violation of the basic principles of democracy and contrary to the best interests of religion and government. This view of religious impartiality, of comprehension and forbearance, has a prophetic role to play within the national and international life. No group of citizens shall arrogate to itself rights and privileges which it denies to others. No person should suffer any form of disability or discrimination because of his religion but all alike should be free to share to the fullest degree in the common life. This is the basic principle involved in the separation of Church and State. The religious impartiality of the India State is not to be confused with secularism or atheism. Secularism as here defined is in accordance with the ancient religious tradition of India. It tries to build up a fellowship of believers, not by subordinating individual qualities to the group-mind but by bringing them into harmony with each other.[5]

The ideal was high, some might say even too high, and, in any case, difficult of achievement. For wanting it and even providing for it under the law was one thing, but to bring it about in practice and to enshrine it in the hearts of the people, not merely in the minds of the intellectuals, was another. Even then it was a step in the right direction. One way to achieve the objective was partly by making adequate provision in the Constitution of India and partly by legislation. This was done. Under the Constitution all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion, the only restriction placed on this right being the needs of public order, morality and health. However, this provision did not affect the operation of any existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu reli-

[5] Quoted in M.V. Pylee, *India's Constitution*, Asia, Bombay, 1967, pp. 122-3.

gious institutions of a public character to all classes and sections of Hindus.[6] Thus freedom of religion was assured to every Indian who could follow his faith without any let or hindrance and who legally was no longer subject to any restrictions on temple entry, which higher castes in Hindu society had imposed on the depressed classes. Even more important was the further provision empowering the State to regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practice. To one authority this constituted a revolution in the traditional conception of religion in thought, the State being engaged in "an extensive program of disentanglement of religious and secular activities."[7]

The freedom of religion includes the freedom to propagate religion. "It was probably necessary to have included the expression 'propagate'," observed Alladi Krishnaswami Ayyar, "in view of the fact that freedom of expression is already guaranteed under Article 19, but the expression was inserted by way of abundant caution to satisfy certain missionary interests who were zealous about it."[8]

Alongside with individual freedom of religion was guaranteed collective freedom of religion. In consequence, every religious denomination or any section thereof has the right to establish and maintain institutions for religious and charitable purposes; to manage its own affairs in matters of religion; to own and acquire movable and immovable property; and to administer such property in accordance with law. Here again the enjoyment of this right was made subject to public order, morality and health.[9] All minorities, whether based on religion or language, have the right to establish and administer educational institutions of their choice.[10] In granting aid to educational institutions the State shall not discriminate on the ground that it is under the management of a minority, whether based on religion or language.[11]

Provisions dealing with citizenship in the Constitution further

[6]Art. 225.
[7]C.H. Alexandrowicz, quoted in Smith, *op. cit.*, p. 108.
[8]Quoted in Pylee, *op. cit.*, p. 126.
[9]Art. 26.
[10]Art. 30(1).
[11]Art. 30(2).

enlarge the secular rights of the people. Thus, the State cannot discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.[12] Further, the State has reserved to itself the power to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.[13]

In all these provisions the emphasis is on equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Thus, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, no citizen can be ineligible for, or discriminated against in respect of, any employment or office under the State.[14]

Similarly, there can be no discrimination in educational institutions. No citizen can be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them. Communal electorate, which had played havoc with Indian politics and which had been deliberately introduced by the British to weaken nationalism, were abolished, although seats were reserved for the Scheduled Castes and the Scheduled Tribes in the House of the People as well as in the Legislative Assembly of every State.[15]

Religion was separated from the State, since in the absence of such a separation the State would be in the danger of becoming a theocratic State. This provision is, therefore, of capital importance. No person is compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.[16] From this it follows that no religious instruction can be provided in any educational institution wholly maintained out of State funds, except those educational institutions which are administered by the State but have been established under any endowment or trust which requires that religious instruction should be imparted in them.[17]

[12]Art. 15(1).
[13]Art. 15(4).
[14]Art. 16.
[15]Art. 325.
[16]Art. 27.
[17]Art. 28.

The essence of a secular State is the equality of citizens before the law, irrespective of their religion. Inequality before the law based on religion immediately suggests a privileged class, as in Pakistan, which enjoys special rights under the Constitution merely on grounds of religion. It also suggests the existence of second class citizens under the same constitution who profess a faith or faiths other than that of the majority community and who are accordingly subject to taxes and discrimination in which they have no say. Such a gradation of citizens can be maintained only by force. This gives the State power to interfere with the religious life of the citizens. Not only does the administration thus get involved in religious matters, but the judiciary loses its independence, being subject to constitutional provisions which strike at the root of such independence.

Inequality before the law also destroys the claim that the Constitution in which such inequality is embodied is democratic. The framers of the Indian Constitution were aware of the mischief which the two-nation theory had done and were determined not to give it any quarter. Accordingly, in the Constitution of India provision was made for only one general electoral roll for every territorial constituency for election to either House of the Legislature of a State and no person can be eligible for inclusion in the roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

But perhaps the basic provision from which in a sense all these provisions could have been drawn, even if no mention of them had been made in the Constitution, is Article 14. It states, "The State shall not deny to any person equality before the law or the equal protection of the law within the territory of India." Freedom of religion, fundamental rights, independent judiciary, and separation of State and religion follow inevitably once this fundamental provision is accepted. In one article secular and democratic rights have been condensed. It is not a mere accident that no such provision exists in the Pakistan Constitution; it would destroy in one stroke the theocratic and discriminatory character of that Constitution.

It is small wonder that social justice is easier of achievement in a secular State. A theocracy would have its own concept of social justice or its denial based on religion, which would inevitably be a social justice for the majority group and its denial to others. In

the Indian Constitution the secular and democratic principles are closely allied to directive principles of State policy to which special attention is devoted. The provisions made in this respect are not enforceable by any court, but the principles therein laid down "are nevertheless fundamental in governance of the country and it shall be the duty of the State to apply these principles in making laws."[18] The objective of these provisions is to promote the development of a welfare State.

The State is directed to promote the welfare of the people by securing and protecting as effectively as it may "a social order in which justice, social, economic and political, shall inform all the institutions of the national life."[19] In particular, the State is asked to direct its policy towards securing:

(*a*) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(*b*) that the ownership and control of the material resources of the community are so distributed as best to serve the common good;

(*c*) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(*d*) that there is equal pay for equal work for both men and women;

(*e*) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; and

(*f*) that childhood or youth are protected against exploitation and against moral and material abandonment.[20]

"The forces of westernisation and modernisation at work in India," observes Smith, "are all on the side of the secular state. Industrialisation, urbanisation, the break-up of the joint family system, greatly increased literacy, and opportunities for higher education—all tend to promote the general secularisation of both private and public life. The indifference to religion which charac-

[18]Art. 37.
[19]Art. 38.
[20]Art. 39.

terises the contemporary western outlook has already made a powerful impact on certain sections of Indian society, and the process is a continuing one. Whether good or bad in terms of the individual, the process tends to strengthen the secular State."[21] The Constitution of India, according to the same author, is a basic law which, without using the term, clearly erects the structure of a secular State. In interpreting this Constitution the Supreme Court, through its power of judicial review of legislation, has proved to be another great bulwark against any tendency of the State to restrict freedom of religion.[22]

In this respect, what Chagla has said on the secular character of the Indian Constitution is worth quoting. He said:

> It [secularism] has often been misunderstood. Fanatics have often challenged its validity and have sought to undermine its efficacy. When we are governed by a Constitution like this, I cannot understand the emphasis on majorities and minorities. The word "minorities" was coined by the British to divide our country and to make it easier for them to rule it. Lord Morley, when he found the nationalist movement getting strong, in a famous passage said, "Rally the minorities." Our former rulers devised a Machiavellian machinery of separate electorates to divide one citizen from another and by converting communal representation in all fields into a fine art. It ultimately did more harm than good to the minorities. This communal representation put merit at a discount, made minorities to aspire for posts for which they were not fit, it caused natural discontent among the majority community who felt that although they had the necessary merit and qualifications, they were passed over merely because their religion was different from that of the minority communities. It was the natural result of this policy that our country was divided and partitioned, and one nation and one people was split into two.

According to Chagla, secularism is more than a mere constitutional device or a method of establishing good relations between

[21]Smith, *op. cit.*, p. 495.
[22]*Ibid.*, p. 494.

different communities living in a country. He observes: "In our country it is based on a philosophy and ideals and values which we have always cherished. Tolerance has been an idea that has run through whole of our history notwithstanding certain dark paches. It is based on the recognition of human dignity, on the acceptance of the value of every soul in the eye of God. By adopting no official religion it tacitly assumes that all religions basically believe in the same ethical principles and are different ways to the ultimate goal."

The expression "minority rights and privileges," he said, made no sense in the context of the Constitution in which all Indian citizens enjoyed common rights and privileges. "Before partition, a certain section of Muslims wanted a separate country where the population would be largely, if not entirely, Muslim. In order to creat such a separate country, they put forward the 'two-nation theory.' It was suggested by them that Hindus and Muslims constituted two separate nations, that they could never work together or live together, and therefore, it was essential that India should be divided on a communal basis. India never accepted this false and evil doctrine because if it were accepted, then it would put an end to secularism and Muslims in this country would become aliens."[23]

Such was the backdrop to political resurgence in Jammu and Kashmir. India was in ferment. The impact of western thought and institutions and its own powerful reaction, not only to the present but also to its past, opened before the eyes of its leaders a new vista of development and progress. The problem was not easy. There were too many interests to reconcile. A dictatorship would have made short shrift of obscurantist resistance and vested interests which preferred to move in an orbit hallowed by time and custom. The leaders, however, decided to adopt the path of maximum resistance and by doing so saved the soul of India, though its body received grievous injury at the time of partition. Nehru and others talked about democracy when mobs demented by partition defied law and order in North India and West Pakistan, mobs without whose support no democratic institutions could be maintained. The smoke of burning towns was not permitted to soil the vision of a secular State which bigoted fury was seeking to destroy. Millions robbed of their lands and homes, and hunted by those who

[23]Convocation Address at the Osmania University, 16 January 1965.

claimed to speak in the name of God whom they sought to serve with the dagger, fled across the Indo-Pakistan border as though from the Day of Judgement.

And yet it was in the white heat of hate and malice, that the call of Hindu-Muslim unity went forth again and again. There were political parties which worshipped chaos and which left to themselves would have plunged India, while still in the first flush of independence, into bottomless abyss, and a member of one of them did not hesitate to take the life of the greatest son of India in recent centuries. All that Indian National Congress held dear—unity, faith in secular democracy, national cooperation—was in peril. But the barge did not sink, although the turbulent waters and some of those who sat in it did their best to rock it to its doom. The foundations of the Indian State were tested in 1946-48 and the foundations stood firm.

It was this atmosphere and the emergence of a new image of India before the bloodshot eyes of even the bereaved, the dispossessed, the widowed, and the orphaned which produced a profound effect in Jammu and Kashmir and which imparted a new vigour to the hopes and dreams of its leaders. Secular democracy was being forged in the fires of hate and violence. Here was a supreme test of faith which was not found wanting, and which was to influence the thought and aspiration of political thinkers in Kashmir. The roots of tolerance which had been spreading underground for centuries began to put forth new shoots and tender leaves.

CHAPTER EIGHT

TRIUMPH OF POPULAR WILL

THE RULER was an autocrat, unwilling to part with power. Popular agitation in the circumstances was inevitable. This forced him in 1932 to appoint the Glancy Commission which recommended a limited franchise, covering ten per cent of the population, together with a legislative assembly consisting of nominated and elected members. No Bill passed by the legislative assembly could become law without the assent of the ruler. Matters affecting the person and privileges of the ruler or members of his family, foreign relations and the discipline and control of the army were "reserved subjects" which the legislative assembly could not consider.

As the agitation for responsible government grew, the ruler issued Regulation 1 of 1991 (1934). The Regulation declared the intention of the Maharaja to provide for the association of his subjects in the matter of legislation and the administration of the State. This Regulation consisted of 46 sections which dealt with the legislature, executive, and judicial powers of the ruler. It referred to the subjects which should be reserved from the operation of the Regulation, made provisions for the constitution of the legislature of the State, conferred authority on the Council to make rules for specified purposes, but operating directly under the control of the ruler. Section 3 of the Regulation provided that all powers, legislative, executive, and judicial, in relation to the State, inhered in the ruler and that nothing in the Regulation should be considered as detracting from the powers and prerogatives of the ruler to pass regulations, proclamations, and ordinances by virtue of this inherent power. Section 30 laid down that no measure would be deemed to have been passed by the Legislature until and unless the ruler had signified his assent thereto. The Regulation left it to the absolute discretion of the ruler whether to assent to such a measure or not.

As the popular demand was not satisfied and political unrest continued, the ruler promulgated the Jammu and Kashmir Constitution Act 14 of 1996 (1939). Consisting of 78 Sections divided into six parts, the Constitution Act dealt with the executive, the legislature, the judicature, miscellaneous provisions, and the like. Section 5 of the Act, like Section 3 of the earlier Regulation, recognized and preserved all the inherent powers of the ruler. Section 4 of the Constitution declared that all rights, authority, and jurisdiction, appertaining to the government of the State, were exercisable by the ruler except as provided under the Act or under specific direction from the Maharaja. The other provisions of the Act were all subject to the over-riding power of the ruler. In substance the constitutional powers of the ruler under the Act were exactly the same as those under the earlier Regulation.[1]

It is thus clear that until the State acceded to India on 26 October 1947, nearly a week after Pakistan tribesmen and nationals invaded the State, the ruler had been issuing the Regulations without sharing the substance of his constitutional power with the people. All that he did on one or two occasions was to throw them a crumb or two. His authority remained undiminished, though a constitutional facade was put up for propaganda purposes. Naturally, the people were not satisfied, and the two, the ruler and his subjects, drifted apart. With the invasion of the State by Pakistan, the entire picture changed. India insisted on democratization of the Government before accepting the State's accession. Abdullah was appointed head of the emergency administration and on 5 March 1948 the ruler issued a proclamation constituting, *inter alia*, popular government with a council of ministers consisting of the Prime Minister with effect from 1 March 1948. By this proclamation the Maharaja replaced the emergency administration by a popular interim government and provided for its powers, duties and functions pending the formation of a fully democratic constitution. The Prime Minister and other Ministers were required to function as a cabinet and act on the principle of joint responsibility.[2]

The Council of Ministers was required to take appropriate steps, as soon as normal conditions were restored, to convene a national assembly based on adult franchise. The proclamation

[1]Prem Nath *v.* State of Jammu and Kashmir, reported in A.I.R. (1959), S.C. 749. [2]*Ibid.*

also laid down that the constitution to be framed by the National Assembly should provide adequate safeguards for the minorities and contain appropriate provisions guaranteeing freedom of conscience, freedom of speech, and freedom of assembly. "Though under the proclamation a popular interim government was set up, the constitutional position still was that the popular government had theoretically to function under the Constitution of 1939." Before the popular government was installed in office, the ruler deputed four representatives of the State to represent the State in the Constituent Assembly called in India to frame the Constitution of India.[3]

Overnight a political revolution was brought about in the State, thanks to the attitude of the Government of India to the issue of accession. In practice the autocratic authority of the ruler was broken, and power passed from his hands to popular leaders who had opposed him and suffered at his hands. Even more significant was the fact that the head of the new government was a Muslim who had been principally responsible for awakening political consciousness among the Muslim masses of the State, and he was assisted in his task by Muslim as well as non-Muslim colleagues.

As it happens in most contests between the unwilling ruler and the awakened subjects, the political leaders were no longer in a compromising mood. What might have satisfied them in 1934 or even in 1939 was now unthinkable. They were determined to strip him of all authority and to make sure that never again would he usurp popular rights or stand in the way of their own vision of what was good for the people. In this task they received invaluable help from Indian leadership which under the guidance of Sardar Patel was developing its own method of limiting and readjusting princely rights in a democratic State. India's insistence on the transfer of *de facto* authority from the Maharaja to the State Prime Minister and his cabinet opened a new and decisive chapter in the history of the people.

The fate of the ruler was thus sealed. His past stood between him and the new government and nothing could be done to promote understanding between the two. Sooner or later, in the interests of a smooth administration, he would have to go. In 1949, Maharaja Hari Singh went into voluntary exile and his place as constitutional

[3]*Ibid.*

head of the State was taken over by his son Yuvraj Karan Singh. Even this brought no more than a respite, for what Abdullah was after was the hereditary monarchy which in the circumstances had become a misfit and the abolition of which would be consistent with the Republic of India of which the State now formed an integral part. Such a step would be not only a political triumph of the first order in the State and other parts of India but also an eye-opener to feudal elements in Pakistan.

On 25 November 1949, Yuvraj Karan Singh issued a proclamation by which he declared and directed that the Constitution of India should govern the constitutional relationship between the State and the contemplated Union of India. He also declared that the provisions of the Constitution of India would supersede and abrogate all other constitutional provisions inconsistent therewith which were then in force in the State. On 26 January 1950, the Constitution of India came into force.

It was following these developments that on 1 May 1951 the Yuvraj issued a proclamation convoking a constituent assembly on the basis of free elections by all citizens of the State over 21 years of age by means of direct and secret ballot. The elections were held in September-October 1951 and the Constituent Assembly met on 31 October 1951 for its opening session. The Assembly appointed two committees to examine and report on, first, the basic principles which should govern the new constitution, and, secondly, the application and enforcement of fundamental rights and the determination of matters relating to citizenship. The two committees submitted their reports to the Assembly in February 1954.

In defining the basic principles, which should govern the constitutional structure of the State, the committee had to refer to the accession of the State to the Union of India and the obligations flowing from it. The Constituent Assembly could not evade the issue, for without such a direction, the basic character of the constitution could not be determined, that is to say, whether it should be a federal type and, if so, what should be the broad division of functions and powers between the federal and State authorities. The committee recommended that the State, while retaining its "autonomous character," should "continue to remain acceded with the Union of India" and that "in order to enable the centre to discharge its responsibilities" flowing "from the fact of accession," such

provisions of the Constitution of India as might be necessary for the purpose should be made applicable to the State in an appropriate manner. The Assembly adopted the report unanimously and directed the drafting committee to take steps to frame a constitution in accordance with the principles embodied in the reports.

The Basic Principles Committee considered the position of the Head of the State. The Head represented the authority vested in him by the people for the maintenance of their rights. The promotion of this vital principle of progress made it imperative that the symbol of State power should be subject to the vote of the people. The Committee, therefore, recommended that the form of the future constitution of Jammu and Kashmir should be wholly democratic, that the institution of hereditary rulership should be terminated, and that the office of the Head of the State should be elective. The assembly unanimously adopted the report and the recommendations of the Basic Principles Committee and thus abolished hereditary rule in the State.

The Constituent Assembly also adopted unanimously the report and recommendations of the Land Compensation Committee which recommended:

> The tiller to whom the excess land from which the big properties are expropriated is transferred ownership right, are an indigent, impoverished and much-exploited class by themselves. No question of recovering the price of the lands from them does arise. As a State with limited resources we are too poor to pay compensation from out of the State revenues. The financial liability will be of a very serious nature and payment itself will prove incalculably mischievous. Apart from these considerations, there is no moral, economic or social basis for compensation. We, therefore, recommend that both on principle and policy, the payment of compensation would perpetuate the present inequitable distribution of wealth.

Of special interest, however, are those provisions of the constitution which are secular in character. To begin with, the preamble to the constitution states:

We, the people of the State of Jammu and Kashmir, having solemnly resolved, in pursuance of the accession of this State to India which took place on the twenty-sixth day of October 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof, and to secure to ourselves, justice—social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and to promote among us all fraternity assuring the dignity of the individual and the unity of the nation.

In our Constituent Assembly this seventeen day of November 1956 do hereby adopt, enact and give to ourselves this Constitution.

According to Article 10, the permanent residents of the State have all the rights guaranteed to them under the Constitution of India. Article 25, one of the directives of State policy, provides that the State "shall combat ignorance, superstition, fanaticism, communalism, racialism, cultural backwardness and shall seek to foster brotherhood and equality among all communities under the aegis of a secular State."

The Directive Principles of policy while not enforceable by any court are nevertheless fundamental in the governance of the State and "it shall be the duty of the State to apply these principles in making laws." The prime object of the State "consistent with the ideals and objectives of the freedom movement envisaged in 'New Kashmir,' shall be the promotion of the welfare of the mass of the people by establishing and preserving a socialist order of society wherein all exploitation of man has been abolished and wherein justice—social, economic, and political—will inform all the institutions of national life." The directives include the equality of right to work, and this applies to women also, the right to free education upto the university standard and certain rights of children, apart from promoting educational, material and cultural interests of the socially and educationally backward sections of the people, and to protect them against social injustice.

On the basis of common political beliefs and objectives, Abdullah had already put before the assembly a vision of the organic character of the State's relationship with India. According to him this was the essence of the matter which he explained at some length. In

his inaugural address[4] he had said:

In the final analysis, as I understand it, it is the kinship of ideals which determine the strength of ties between two States. The Indian National Congress has consistently supported the cause of the State People's freedom. The autocratic rule of the princes has been done away with and representative governments have been entrusted with the administration. Steps towards democratisation have been taken and these have raised the people's standard of living, brought about much-needed social reconstruction and, above all, built up their very independence of spirit. Naturally if we accede to India there is no danger of revival of feudalism and autocracy. Moreover during the last four years, the Government of India has never tried to interfere in our internal autonomy. This experience has strengthened our confidence in them as a democratic state.

And then he came to the crux of the matter, namely, the importance of a secular democratic State:

The real character of a state is reveal in its constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without dinstinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of imperialism, and no modern State can afford to encourage artificial division if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State which is a throw-back to medievalism, by guaranteeing the rights of all citizens irrespective of their religion, colour, caste and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle which seems to favour the interests of one religion or social group against another. This affinity in

[4]See Appendix II.

political principles, as well as in past association, and our common path of suffering in the cause of freedom, must be weighed properly while deciding the future of the State.

There were other reasons no less important than these and to which Abdullah directed pointed attention:

> We are also intimately connected with the economic well-being of this State. As I said before while referring to constitution-building, political ideals are often meaningless unless linked with economic plans. As a State we are concerned mainly with agriculture and trade. As you know, and as I have detailed before, we have been able to put through our 'land to the tiller' legislation and make it a practical success. Land and all it means is an inestimable blessing to our peasants who have dragged along in servitude to the landlord and his allies for centuries without number. We have been able under present conditions to carry these reforms through; are we sure that in alliance with landlord-ridden Pakistan with so many feudal privileges intact, this economic reform of ours will be tolerated? We have already heard that news of our land reforms has travelled to the peasants of the enemy-occupied areas of our State, who vainly desire like benefits.

Above all these considerations there was a compelling reason why Kashmir must be an integral part of India and why it must reinforce India's faith in secular principles with its own. This is of special importance because of subsequent developments. Abdullah said:

> Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State wherein the interests of Muslims will be jeopardised. This would happen if a communal organisation had a dominant hand in the government, and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession of Kashmir to India should, however, help in defeating the tendency. From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the major factor in stabilising relations between the Hindus and Muslims of India. Gandhiji was not wrong when

he uttered words before his death which paraphrase: "I lift up mine eyes unto the hills, from whence cometh my help."

After stating all these reasons in justification of the State's accession to India, he hit the nail on the head:

> You are no doubt aware of the present constitutional ties with India. We are proud to have our bonds with India, the goodwill of whose people and Government is available to us in an unstinted and abundant measure. The Constitution of India has provided for a federal union and in the distribution of powers has treated us differently from other constituent units.... In order to live and prosper as good partners in a common endeavour for the advancement of our peoples, I would advise that while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the past traditions and genius of our people, we may also, by suitable constitutional arrangements with the Union, establish our right to seek and compel federal cooperation and assistance in this great task, as well as offer our fullest cooperation and assistance to the Union.

In August 1952, the Delhi Agreement which demarcated the Union and State jurisdiction was approved by the Parliament of India and the State Constituent Assembly. Placing the Agreement before the State Constituent Assembly on 11 August 1952, Abdullah reiterated the constitutional position:

> The Constitution of the Indian Union, therefore, clearly envisages the convening of a Constituent Assembly for the Jammu and Kashmir State which would be finally competent to determine the ultimate position of the State in respect of the sphere of its accession which would be incorporated in the shape of permanent provisions of the Constitution.... "I indicated in my inaugural address the scope of the decision which I felt the Constituent Assembly would have to take. I listed four main issues as pertaining to the four main functions of the Assembly, viz., the future of the ruling dynasty, payment of compensation for land transferred to cultivators in the Big

Landed Estate Abolition Act, ratification of the State's accession to India, as well as the framing of the constitution of the State.

He gave further precision to what the Assembly was expected to do. "It is of course the Constituent Assembly which is seized of these matters, to determine the extent and scope of the State's accession to India. The Assembly may agree to continue this relationship on the present basis or extend its scope as it might like and consider feasible and proper."

There was no suggestion here of de-accession, let alone independence and nothing was farther from the mind of National Conference leaders than accession to Pakistan. What is more interesting, even the quantum of accession, if such a phrase is permissible at all, was not viewed as capable of being diminished. Only two alternatives were open to the Assembly, as Abdullah put it—continuance of accession on the existing basis or extension of its scope. In other words, the question no longer was whether there should or should not be accession to India. Accession to India was a fact and had been accepted as such. In fact the Constituent Assembly had already adopted the Basic Principles Committee's recommendation that the State should "continue to remain acceded to the Union of India."

The Delhi Agreement dealt with various matters like residuary powers, citizenship, fundamental rights, the Supreme Court, the State flag, the President of India, the headship of the State, financial integration, and emergency powers of the Union. Abdullah stressed the basic points to which he had pointedly drawn the attention of the Assembly in his inaugural address. "We, as well as our learned friends from India, wished to strengthen and smoothen our relations," he said. "They never wished that Kashmir should drift away from India and we never wished to sever our relations with India. Both the parties wished that the ties binding us should become stronger and lasting."[5] Of all the States in India and Pakistan, he emphasized, the State of Kashmir was the only one which with a Muslim majority had preferred to join India because it was felt that Kashmir would not make much progress if it acceded to Pakistan by which it would always be subjected to undue pressure.

[5]The Jammu and Kashmir Constituent Assembly Debates, 19 August 1952.

It was only India which was free from the curse of feudalism, and secular in its outlook, where their dreams and aspirations could be realized. "We have no intention to cede away from India. Everybody knows the conditions through which India and Pakistan were passing at the time of our accession to India. Our accession to India, as I have stated in my last speech, is complete".[6]

What Abdullah said was a matter of major importance. The State's accession to India had transformed the political and constitutional scene in the State, bringing about in a matter of months what its leaders had been helpless in achieving in years. But as Abdullah emphasized, the State's relationship with India was basically rooted in ensuring the survival of not only Kashmir but also the Union of India as a secular, democratic State. He perceived with a remarkable clarity that there was a great danger of India becoming a theocratic State if Kashmir ceased to form part of it. Being the only Muslim majority State in the Indian Union and in view of Pakistan's determined policy to rid West Pakistan of non-Muslim minorities and in course of time to pursue a similar policy in East Pakistan, there was no other way of maintaining internal stability in the Indian Union or of promoting mutual understanding and cooperation among its communities. This also applied to Kashmir. Once the balance was upset not only would the future of various communities in the State be put in jeopardy but also the entire political and social system in other parts of India would be subjected to shocks which it might not be able to absorb.

It is, therefore, a tribute to the political genius of Abdullah that in the testing times when popular tempers were frayed on the subcontinent, he did not lose sight of the heart of the problem and the fateful consequences of a false step, if taken. Kashmir is indispensable to the maintenance of the secular character of the Indian Union. This is a fact which is decisive and lays to rest many controversies whether they arise internally in the State or in its relationship with the Union. No scheme, measure or proposal which strikes at the root of this basic reality can be of any benefit; on the contrary it can only bode disaster.

The principles laid down by Abdullah and subsequently enshrined in the constitution of Jammu and Kashmir were carried into effect.

[6]*Ibid.*

The feudal order represented by the ruler which in essence was theocratic and the system of land tenure then existing was abolished. The hereditary monarch was replaced by an elected Head of State. The landlord's stranglehold on the tenant was ended. The main purpose of the agricultural reform was to limit the acreage of agricultural land which a landlord could possess to 20. An Act was promulgated because no lasting improvement in agricultural production was possible without the removal of the intermediaries between the tiller of the soil and the State. In order to increase agricultural production, it was therefore expedient to provide for the abolition of such proprietors as owned big landed estates and to transfer the land held by them to the actual tillers. All this was done without paying any compensation to the proprietors, a step which was revolutionary. In the Constitution of India there was no provision for such a step.

The system of compulsory procurement of foodstuffs from farmers was abolished and they were given complete freedom to sell or not to sell their produce to Government. The water less levied on land irrigated by canals built before 1948-49 was also abolished. Loans advanced by the cooperative department, involving a sum of Rs 1,700,000 ($ 240,000) were written off, rural debts were scaled down from Rs 20 million ($ 3 million) to Rs 8.6 million (a little over one million dollars).

Free education upto and including the university standard was introduced. This was a measure which no other State in the Indian Union, much less the Union Government itelf, had been or has since been able to undertake.

As in other parts of India, the attempt has been to move from the bullock-cart age into the era of science and technology, the consequent dislocation and confusion notwithstanding. Over the past 20 years the receipts of the Government have risen from Rs 27.4 million ($ 3.9 million) in 1947-48 to Rs 301.6 million ($ 43 million) in 1965-66. Expenditure on education and medical and public health which was only Rs 4.5 million ($ 0.6 million) in 1947-48 rose to Rs 57 million ($ 8.1 million) in 1964-65. Large allotments were made for forests, irrigation and flood control, roads and power.

A vision had inspired Abdullah to lay down various principles of social justice and equality in his inaugural address and these were incorporated in the Constitution of Jammu and Kashmir,

with the result that the social, political, and economic conditions of the people changed out of all recognition. As Nehru said: "Jammu and Kashmir experienced more prosperity under their own government than they had at anytime previously in living memory or before." On the recommendation of the Constituent Assembly, the President of the Union issued on 14 May 1954 the Constitution (Application to Jammu and Kashmir) Order 1954 under which the people of the State were granted the right to move the Supreme Court for the enforcement of fundamental rights.

CHAPTER NINE

OPERATION OF SECULAR FORCES

ON OCCASION the secular and sectarian principles are in conflict in Jammu and Kashmir as in other parts of India. This is inevitable in a society which is the home of many religions and beliefs. Religious tolerance is the fruit of political and spiritual maturity or sheer indifference, as its denial is a demonstration of a shallow and limited faith. One generally comes from sympathy and some understanding, the other from superstition and fear. An accident may start off trouble which fizzles out in the small area of its origin or spreads to near and distant places. However, what is important is not the occasional, and in recent years not so occasional, outburst of communal trouble but the fact that by and large the secular forces have held their own in Kashmir as in other parts of India.

The people of Jammu and Kashmir rose against Pakistan invaders in 1947, rejecting the religious pretensions of the aggressor. The sectarian appeal from Pakistan failed to divide the defenders. When Sheikh Abdullah was arrested by the Jammu and Kashmir Government in August 1953, there was no sectarian trouble in the State; on the contrary, there was a feeling of relief at the termination of tension. Nothing happened when the drafting of the constitution of Jammu and Kashmir was completed by the Constituent Assembly, much less when it was inaugurated after general elections. The people stood united at the time of Chinese invasion of the State in 1962 in spite of constant incitement from Pakistan.

A much greater test came when a holy relic disappeared from a mosque in Srinagar in 1963. As on previous occasions, Pakistan leaders did their best to incite the Muslims of the Kashmir Valley. President Ayub Khan, speaking in Sukkur on 4 January 1964, said that "the theft of the holy relic is a calculated political conspiracy to subject the Muslims of the occupied Kashmir to more and more atrocities." He said no Muslim, however sinful, could ever think

of committing such a sacrilege. Therefore, it was certain that no Muslim could be held responsible for the heinous crime and as such it was evident that the crime was motivated by a political controversy. The suggestion was that it must be a Hindu who stole the relic. Obviously, his intention was to incite the Muslims of Kashmir against the Hindus. Meanwhile Bhutto, then the Foreign Minister of Pakistan, to whom restraint was as alien as figs to thistles, urged Kashmiris to rebel against their government.

As it happened, there was communal harmony during popular demonstrations against the theft of the relic. Hindus and Sikhs joined their Muslim brethren in mourning the loss. "It is remarkable that complete communal harmony prevailed during the period of the upheaval and not a single Hindu—man, woman or child—was molested."[1] Further, it was in response to the appeal of the people of Kashmir that the Government of India sent some of its highest officials to Srinagar to investigate the matter and to recover the relic. This action was successful, and the relic was recovered and restored. "The big Muslim majority there seems to have shown no animus towards the Hindu minority."[2] When the relic was recovered and restored, there were rejoicings in Srinagar in which Hindus and Sikhs, no less Muslims, participated. But there were no rejoicings in the hearts of Pakistan leaders who continued to incite Muslims in Kashmir as well as their own people, eventually succeeding in causing a communal explosion in Dacca in East Pakistan, more than a thousand miles away, in which tens of thousands of Hindus and Christians suffered, masses of them seeking honour and safety in flight across the border into India.

Similarly when Abdullah was released in 1958 and again in 1964, all communities garlanded him, but when he was rearrested on neither occasion was there any communal violence. When in 1967 a Hindu girl married a Muslim or was abducted by him, all political parties, including an opposition party like the Plebiscite Front, urged the people to maintain communal peace and harmony. Twenty years earlier when West Pakistan and North India were being convulsed by religious hate, there was peace in the State and not a single incident of communal trouble occurred in the Valley;

[1]Prem Nath Bazaz, *Kashmir in Crucible*, Pamposh Publications, New Delhi, 1967, p. 75.

[2]M.C. Chagla in the Security Council on 5 and 10 February 1964.

on the contrary refugees passed from Pakistan to India and vice versa across the State territory in perfect peace.

Abdullah himself has pointed out some of these facts. Thus, at a public meeting in Srinagar on 7 April 1968 he said that the situation which arose after partition in 1947 was "big test for us." But Muslims took care of the non-Muslim minority in the Valley while communal fires were burning across the Kashmir border. He said the "second big test" came when Pakistan claimed Kashmir, but "we told the then leaders of Pakistan that it was not a question of Muslims alone but also of the one million non-Muslims." The "third test" came when tribesmen invaded Kashmir in 1947. The Kashmir Muslims then saw to it that all minorities felt safe.[3]

Popular faith in communal amity and religious tolerance had been tested in the 1947 but was to be tested again in August and September 1965 when Pakistan mounted a fresh invasion of the State. Once again Pakistan expected the people to rise in revolt against the government and to receive the Pakistan invaders with open arms, as it had vainly hoped in October 1947. "They thought that the large Muslim majority in Kashmir would support them and that Kashmir would fall into their mouth like a ripe plum."[4] Facts betrayed Pakistan, as they had betrayed its leaders in 1947. "There is little reason to doubt that Pakistan had trained guerrillas for some time, with the encouragement if not the actual participation of Communist China, and sent a considerable number of them into Indian Kashmir. . . . In fact, no revolution occurred, as observers on the scene agree, although it appears that attempts were made to start one."[5]

The other objective of Pakistan was to make this a religious war. Its leaders hoped that not only the people of Kashmir but the fifty million Muslims of India would support Kashmiri Muslims and that there would be widespread communal holocaust in other parts of India. "The whole attempt of Pakistan was to disrupt the unity of India, to bring about communal discord and then to appeal to the Council or the world by saying: 'You see, Indians treat their minorities badly'." The attack on Kashmir was an attack for the

[3] *Statesman*, New Delhi, 8 April 1968.

[4] Chagla in the Security Council on 17 September 1965. For details, see author's *The Kashmir Story*, Asia.

[5] Russell Brines, *The Indo-Pakistani Conflict*, Pall-Mall Press, London, 1968, p. 10.

purpose of breaking up the Indian federation, "of breaking up our way of life, of preventing us from carrying on our great experiment of men of different religions and different languages living peacefully together."[6]

These were not small victories, but a triumph came when Dr Zakir Hussain was elected President of India. It is true that the President is a constitutional head who is not expected to initiate or control policy. On the strength of this fact it could be argued that his membership of a religious group is, therefore, immaterial. Nevertheless it does prove that a member of a minority can rise to the highest office in the land. At least in the face of this fact no one can suggest that he cannot. Such an event is impossible in Pakistan the constitution and ideology of which do not look on all Pakistan citizens with an equal eye. Thus no non-Muslim can become its President, because in the last analysis no non-Muslim is considered equal to a Muslim in Pakistan. Pakistan is for Muslims, and non-Muslims are at best tolerated as second class citizens, not fellow citizens but an inferior people who cannot be permitted to rise to the highest positions in the country. The mere idea of a non-Muslim President would destroy the basis of Pakistan, namely the two-nation theory on which it is founded. Again, a Muslim has been a Foreign Minister in the Indian Cabinet; a Hindu Foreign Minister in Pakistan is unthinkable. A Muslim has also been Chief Justice of the Supreme Court of India. There are Muslim Ministers in the Central and State Governments and individual Muslims holding high positions in the civil and defence services and among diplomats. These are developments which are outside the scope and comprehension of Pakistan ideology, because they deal with the larger issues of human relations, religious amity, and communal concord and understanding.

In spite of these victories, it is necessary to understand the mechanism of secular forces and how they operate in a multi-religious, multi-linguistic, and multi-racial society. As Kashmir is the Muslim majority State in the Indian Union, its population cannot help being affected by what happens to Muslims in other parts of India and vice versa. State boundaries do not break up a religious group into independent communities and, whether its

[6] Chagla in the Council on 17 September 1965.

members are in Kashmir or Kerala, the group tends to react as a unit. Similarly, the Hindus of the Jammu province are affected by the Hindus in other States of the Indian Union and vice versa. Any conflict between the two religious groups in Kashmir tends to promote friction between the two communities in other parts of the country, and conversely Hindu-Muslim tension in any area outside the State of Jammu and Kashmir provokes reaction in that State.

This is only one example of the manner in which secular democracy works in India. As a leading Muslim newspaper observed, if any change was made in Kashmir being an integral part of India, Indian Muslims would never tolerate it "because they are desirous of having a Muslim Majority State in India which may serve as an example to other States."[7] This is exactly what Abdullah had said earlier. Similarly, when Pakistan invaded the Chhamb-Jaurian area of Jammu in September 1965, the Muslim members of Parliament stood solidly with the rest of the nation in their declaration:

> In India we have many communities, many religions, many languages and many political parties. Regardless of our internal differences, all Indians—Hindus, Muslims, Sikhs, Christians, Parsees and others—have united as one man in repelling Pakistan's aggression. We congratulate the brave people of Kashmir for the magnificent fight they have put up against the aggressors.... To all citizens of India, regardless of their party, language or religious affiliation, we appeal that in this hour of crisis we strengthen the home front by maintaining solidarity and complete internal peace and increasing production to give the necessary support to our gallant forces.

A recent example is even more interesting. Following the alleged abduction of a Hindu girl by a Muslim Government employee opposition leaders at public meetings held in Jammu and Hazrat Bal appealed to the people to maintain communal harmony at all cost and not to damage the secular character of the State in any way. As a happy reversion to his old faith in religious and communal amity, Abdullah is said to have played a notable part in preventing a clash between Muslims and non-Muslims in Srinagar following

[7] *Aljamiat*, Delhi, 26 October 1963.

trouble among students in the Engineering College in the State capital.[8]

Once communal friction is created between the two communities in Kashmir, it is exploited by Pakistan and its supporters and the result sometimes spills over into the international field, particularly into Muslim countries with most of which India has close and friendly relations. Pakistan leaders seek to do this even when there is no friction, as Ayub Khan tried to do at the time of elections in Pakistan.

A characteristic of the secular principle is that it is unifying while the communal principle brings about disintegration. After all it was the communal principle which brought about the partition of India with dire consequences. Instead of strengthening human society, sectarianism breaks it up and will continue to break it up, if not firmly checked. That is why so much emphasis has been laid on freedom of conscience in the Indian and Jammu and Kashmir Constitutions. "The Indian Courts have stretched the protection of Bill of Rights even further than the American Courts. In the United States a distinction has been drawn between fundamental rights for the benefit of the citizen and those based on State policy. A citizen could have a right created for his benefit but not one based on State policy. Recently the Supreme Court of India has, by a majority, refused to accept this doctrine and regarded all fundamental rights as resting on State policy. The citizen may not, therefore, even if he wishes, forego his basio rights.'[9] It is inequality of rights which breeds centrifugal forces and dismemberment.

After all the choice is simple—is it religious dogma and therefore conflict and chaos or is it scientific and technological development, and, therefore, a secular State? It is not suggested that the individual should give up his religion, but then religion should be a private occupation not concerned with the working of the State. Does India wish to swim with the twentieth century or does it prefer to go back to the Dark Ages? Hypocritical allegiance to mutually hostile and contradictory political beliefs will not do. By upholding the principle of secular State India maintains not

[8] *Statesman*, New Delhi, 6 June 1968.

[9] M.C. Setalvad, *The Common Law in India*, Stevens and Sons Ltd., London, 1960, p. 220.

only the unity of Jammu and Kashmir but also its own, the larger unity without which the unity of Jammu and Kashmir cannot exist. The unity of the Indian State is a test of its faith in secularism, as the unity of India is the seed and fruit of the secular principles enshrined in its Constitution.

The Constitution of Jammu and Kashmir as it was finally produced was in no serious way contrary to what Abdullah had affirmed repeatedly. On the contrary, in essence, it was in accord with the views he had expressed in the Jammu and Kashmir Constituent Assembly and outside. The fact is easy to corroborate and it knocks the bottom out of Abdullah's charge that the Constitution was a betrayal of the people's trust reposed in the members of the Assembly. If this were so, Abdullah had already betrayed that trust by reaffirming the State's accession to India and by reposing his faith in secular democracy which he had recommended to the Constituent Assembly. Clearly the unconditional and unambiguous view which he voiced in the Assembly on the completeness and finality of the State's accession to India on behalf of his party when he put the Delhi Agreement before the Assembly for approval cannot be made to vanish into thin air. Besides, the people could have challenged the Constitution when general elections were held in 1957 to inaugurate it. The opposition parties in the valley put up too few candidates and even they withdrew from the contest at the eleventh hour. Abdullah, therefore, cannot have it both ways—advocate certain principles on the one hand and denounce their product on the other, merely because he was not there when the framing of the Constitution was being completed.

In the light of these facts, Abdullah's departure from his own convictions led to consequences too tragic for words. Here was a leader who if he had adhered to the principles which had guided him since 1938, might not only have made a great contribution to the development of the State's material and moral progress, but also played a major part in the wider life of India as a whole. One cannot help admiring him for the stoic manner in which he has borne a burden of his own creation, but its pathetic futility, the valuable time and opportunities which have been lost, and an entirely unnecessary frustration which has been the result—are equally overwhelming. He has dedicated a significant part of his life to a barren course, negative in its results, when it could have

been devoted to a creative and more fruitful purpose.

After upholding the secular principle for 14 years, Abdullah began to waver, and he fell, much to the chagrin of even his friends.[10] Thus he carved out of Jammu two districts—Doda and Poonch—to separate Muslim majority areas in the Jammu province. Abdullah at heart, point out some critics, is a maulvi, reciting the *Quran* at his public meetings and addressing the prayer gatherings at Hazrat Bal. His argument that he has to do it because the people he addresses are Muslims is unconvincing.

Abdullah thus began to play with the same forces against which he had repeatedly warned the people, forgetting that the forces in question could not be weakened by appeasement but by resolute confrontation, as Gandhi had done even at the cost of his life and as Nehru did whenever communalism raised its ugly head. He had not the courage to say as Nehru had said earlier: "As long as I am at the helm of affairs, India will not become a Hindu State. If they do not subscribe to my ideas and are not prepared to cooperate with me, then I shall have no way except to resign from Prime Ministership and continue to fight for the establishment of a State where every citizen will enjoy equal rights, irrespective of his religion." After having brought about the conversion of the Muslim Conference into the National Conference in 1939, after having fought Pakistan, after having acceded to India and turned his back on the Security Council when he convened a Constituent Assembly to frame a constitution for the State within the framework of the larger Constitution of India even when Indian leaders stood by their acceptance of plebiscite for a settlement of the issue, Abdullah turned away from secular forces which had brought immense strength to his position and held the State together.

In the result he inevitably found himself nearer Pakistan and its faith in sectarian hatred. This destroyed not what he had created

[10]According to some critics, he had fallen when instead of employing a standard acre determined by the poorest quality of land for his land reforms, a step which would have ensured equality of treatment for landlords in the Jammu province and the Valley, he used an ordinary acre for fixing a ceiling of land which a landlord could own, thus protecting the landlords in the Valley where land is fertile and ruining Hindu Landlords in Jammu where the land is poor. It is true that non-Muslim landlords in the Valley also profited by the land reforms, just as Muslim landlords suffered in Jammu, but the number of such landlords in either case was small.

but himself. He pulled out by the roots his life's work, and the tragic result is known to every one. Faced with Abdullah's *volte face*, Muslim opinion reacted in other parts of India, as it did in the ranks of the National Conference. "Jinnah believed in the two-national theory, i.e., Hindus and Muslims," said a Muslim leader. "You have witnessed that thousands of people were killed and rendered homeless as a result of this policy. Similarly Sheikh Abdullah is going back on his early commitments." A Muslim newspaper was even more explicit:

> A creeper cannot reach its climax unless it has its roots in the ground. Sheikh Abdullah on his release wanted to underline three objectives: (*a*) Hindu-Muslim unity, (*b*) amicable Indo-Pakistan relationship, and (*c*) emphasis on the non-religious character of the Government. The fact that Sheikh Abdullah had been acting as a mouthpiece of Pakistan vis-a-vis the latter's demand for plebiscite in Kashmir could not entitle the Sheikh to claim friendship with India. Pakistan was inspired to claim Kashmir without any actual right to it and her arguments were based on a Muslim majority inhabiting the area, forgetting conveniently that Mohammed Ali Jinnah had even ignored the fifty million Muslims of India. If Pakistan had so much sympathy for the four million Muslims inhabiting Kashmir, how was it that she did not show similar concern for the rest of the fifty million Muslims living in India. Kashmir is an inseparable part of India and fifty million Muslims are very much citizens of India.
>
> Sheikh Abdullah, as it were, had been insisting on a house without doors, with its walls without foundations. If Sheikh Abdullah was a supporter of Hindu-Muslim unity, it was difficult to understand why he simultaneously endorsed Pakistan's demand for plebiscite, particularly when the latter's cry was inspired by religion. And if Sheikh Abdullah was wedded to secularism, there was no logical basis for him to repose faith in communalism pursued by Pakistan. It was rather difficult to synchronise these obviously opposing trends in his mental make-up.[11]

[11] *Nazara*, Lucknow, 8 November 1964.

Thus, Abdullah's political leadership stood riven by an internal conflict brought about by divided faith in secular and sectarian principles. He did not realize that he could not have secular democracy to which he continued to show allegiance simultaneously with his new attitude to Pakistan and communalism which perverted that allegiance.

CHAPTER TEN

TRANSFORMATION OF ABDULLAH

TIME WAS to reveal how close Abdullah's identification with Pakistan was and how this identification posed a new challenge to the State government and administration. After seizing power in Pakistan in 1958, one theme on which President Ayub played again and again was his insistence that there were three parties to the Kashmir dispute—India, Pakistan, and the Kashmiri people. On 26 September 1960, Ayub referred to his suggestion that a solution should take into account the feelings of "all the three parties to the dispute"—the people of Kashmir, the people of India, and the people of Pakistan. He said that "it might be necessary to create some kind of machinery, possibly at the ministerial level or lower, to consider the feelings of all the parties."[1] After his release in 1964, Abdullah began to harp on exactly the same theme.

At a post-prayer meeting held in Jammu on 10 April 1964 he echoed what Ayub had said, namely, that there were three parties to the dispute—India, Pakistan, and Kashmir. Any workable solution could be based only on the right of self-determination, and representatives of the three parties should evolve such a solution.[2] Not only did he keep on playing on this note until he was arrested in May 1965, but on his release in January 1968, he took up the cry again. There were three parties in the situation,[3] and a permanent solution could be found only with their agreement.[4]

[1] *Dawn*, Karachi, 27 September 1960.

[2] *Times of India*, New Delhi, 11 April, 1964; *Statesman*, New Delhi, 21 April 1964.

[3] At a Press conference in New Delhi, *Times of India*, 5 January 1968.

[4] At Hazrat Bal, *Times of India*, 11 May 1968. Compare this with his statement in the Security Council: "I refuse to accept Pakistan as a party in the affairs of Jammu and Kashmir State. I refuse this pointblank (Official Security Council Records, 1948).

Now it cannot be denied that Pakistan is a party to the dispute. Has she not committed aggression in Kashmir on two occasions and is she not in occupation of nearly one-third of its territory? But then her position is one of aggressor who is required to vacate aggression. This is not the sense in which Abdullah or Pakistan looks at the question. It is Abdullah's contention that Pakistan has a *claim* on Kashmir which should be admitted and reconciled with the claims of the other two parties—India and Kashmir. By doing this Abdullah executes a remarkable sommersault. With one stroke of the brush he has whitewashed Pakistan's guilt, fastened upon her not only by India, not only by himself in the period 1947-52, but also by independent observers and agencies appointed by the United Nations. In other words, all that Pakistan did between 20 October 1947 when she invaded Jammu and Kashmir, and his last release, is of no consequence, since evidently, according to Abdullah, the basic problem has changed. The issue for him is no longer one of Pakistan aggression or its vacation but of appeasing the aggressor. He could not ignore Pakistan as a party to the dispute, he once said, because one-third of the State was in its possession with nearly a million people.

In the light of these facts, it is small wonder that he has not condemned the new relationship between Pakistan and China. Neither is he bothered about the gift of over 2,000 square miles of Kashmir territory which Pakistan made to China. Neither Pakistan nor Abdullah has condemned Chinese aggression in Ladakh, much less calling upon China to vacate it. What is more, Abdullah thanked Chou En-lai in Algiers in 1965 for his invitation to China, an invitation extended to him through Pakistan. "We are most gratified by the affirmation of China's support for our cause," he said.[5] It is significant that Abdullah has not thought it fit even to raise his eyebrows over Pakistan's second aggression in Jammu and Kashmir in 1965. On the contrary he has tried to justify it by arguing that this shows how urgent the problem is. The implication is that the attitude of India left Pakistan with no choice except to take recourse to force.

His identification with Pakistan is not partial but complete.

[5] His comment on the joint communique issued at the end of President Ayub's visit to China, *Hindustan Times*, New Delhi, 13 March 1965.

Having raised Pakistan to the status of a party, attributing to it a legitimate interest in Jammu and Kashmir, he has been echoing all the propaganda slogans uttered by Pakistan leaders. Both deny vehemently that Kashmir is an integral part of the Indian Union, and assert that the issue of accession is still to be decided. According to Pakistan, the State's accession to India was brought about by fraud and violence;[6] according to Abdullah it is at best a "provisional" accession,[7] and, in any case, irrelevant. He denies that the State's accession to India was confirmed by the Constituent Assembly of the State.[8] Kashmir's accession to India was provisional, he said, and confined to three subjects—defence, external affairs, and communications.[9] "To repeat that Kashmir is an integral part of India is utter nonsense."[10] Sometimes he was evasive. When asked if he considered Kashmir an integral part of India he smiled and replied: "We are part of the subcontinent."[11]

By departing from the facts Abdullah called forth retorts from other Kashmir leaders—retorts which by their pungency expose the absurdity of his posture. During Abdullah's premiership the State's Constituent Assembly passed legislation on land reforms of unusual significance. "If we now say that the Constituent Assembly was incompetent," commented Sadiq, the State's Chief Minister, "then we have to bring back the monarchy in the State—and lands taken away from the landlords have to be given back to them."[12] If the Jammu and Kashmir Constituent Assembly was competent to ratify its decision about the abolition of monarchy and the big landed estates, why was it not competent to ratify the decision taken in 1947 about the State's accession to the Indian Union?[13] Mir Qasim, General Secretary of the National Congress, remarked that the autonomy of the executive authority in the State might

[6]Alan Campbell-Johnson, *Mission with Mountbatten*, p. 229.

[7]*Times of India*, New Delhi, 27 April 1968. Also his address to All-Kashmir meeting in New Delhi, *Patriot*, New Delhi, 15 January 1968.

[8]At a post-prayer meeting in Jammu, *Times of India*, New Delhi, 11 April 1964.

[9]*Statesman*, New Delhi, 15 April 1964.

[10]*Statesman*, New Delhi, 18 April 1964.

[11]*Indian Express*, New Delhi, 9 January 1968.

[12]*Times of India*, New Delhi, 10 January 1968.

[13]G.M. Sadiq at a public meeting in Jammu, *National Herald*, New Delhi, 16 April 1968.

have been curtailed but people's basic rights had been ensured and enlarged by the extension of jurisdiction of the Supreme Court, the Auditor-General, and the Election Commission to the State. While during Abdullah's premiership of the State, even the tuning in of Radio Pakistan was not allowed, today the Sheikh himself enjoyed perfect freedom of speech.[14] He asked Abdullah: "Did the jawans of the Indian armed forces also lay down their lives provisionally?"[15]

Abdullah has given no replies to these questions. The position he has taken is so ludicrous that no reply is possible except at the expense of further embarrassment to himself. But the implications of his self-transformation are inescapable and they hold him up in a strange light indeed. For having accepted one of the basic considerations underlying the Pakistan case, he has to go the whole hog. This is what he has done. Speaking in unison with Pakistan leaders, he propagated the view that India had gone back on its word,[16] refusing to honour certain "commitments" which she had accepted in the interests of bringing about a settlement of the problem. The Kashmiris had the bitter experience of not getting back what they had handed to India in good faith.[17] The pledges, he asserted, were given by India to the people of Kashmir and consisted in holding a plebiscite in the State or failing which in devising some other suitable method acceptable to the people of Kashmir and Pakistan, particularly in giving the Kashmiris an opportunity to exercise their right of self-determination which could not be taken away from them.[18] Both, Abdullah and Pakistan quote Nehru

[14]*Statesman*, New Delhi, 6 May 1968. See Sadiq at the AICC Meeting, *Hindu*, Madras, 17 May 1964.

[15]Mir Qasim, *Statesman*, New Delhi, 6 May 1968.

[16]*Times of India*, New Delhi, 11 April 1964; also *Hindustan Times*, 10 August 1964 and 30 March 1968.

[17]*Times of India*, New Delhi, 18 March 1968.

[18]*National Herald*, Lucknow, 12 April 1964; also *Statesman*, New Delhi, 21 April 1964; *Indian Express*, New Delhi, 22 January 1968; *Hindustan Times*, 8 May 1968. "A belief in self-determination can have anarchical implications within the present international state system. It suggests the opportunity for a group of individuals to disregard all established political relationships in a search for new ones. . . . No Government could hope to survive which consented in principle to a secession of a part of its territory by a vote of secessionist groups. The stability of the state itself rejects any such claim." *Self-Deter-*

out of context, glossing over the conditions which Pakistan had to satisfy first and successive violations of which by Pakistan have drawn no comment from Abdullah. Both refer to the right of self-determination which is specifically ruled out in U.N. Commission Resolutions of 13 August 1948 and 5 January 1949, neither of which contemplates Jammu and Kashmir opting for independence which the right of self-determination must include as a possibility. The resolutions mention only plebiscite the holding of which has been made impossible by Pakistan's own acts of omission and commission.

Besides, his concept of self-determination is unique. Its reality and character change with his moods and take on alluring shapes in the magic glass of his fancy. According to his own statement, the accession was final and complete right up to the approval of the Delhi Agreement by the State's Constituent Assembly in 1952. Then there was no question of the Kashmiris exercising any right of self-determination which, according to Sadiq, had not been mentioned in any resolution of the National Conference. After his detention in 1953, particularly after the *coup de' tat* in Pakistan, he suddenly became aware of this right and held it aloft as the only goal worthy of the Kashmiris. And yet he said that if India and Kashmir could evolve a solution, Pakistan would accept it or, in any case, would have to accept it.[19] Or that if Pakistan and India arrived at a settlement, it would be acceptable to the Kashmiris.[20] The first alternative, considering his close affinity for Pakistan, is inexplicable; the second sacrifices the Kashmiris' right of self-determination on which he waxes eloquent on the platform. Thus, it is not a right of self-determination but a political convenience. Since circumstances are contemplated in which this right does not have to be exercised at all, it is not even a convenience—it is a mere trick, as it is with Pakistan, a trick which is played to suit the occasion.

If the accession is non-existent or at best provisional, and if the people of Kashmir have still to exercise their right of self-determination, what is their political status and his own? At first he tried to hedge over the issue of his nationality. When this did not succeed, he took shelter behind the plea that he was a "citizen of the whole subcontinent."[21] This failed to carry conviction, because after all citizenship is not such a vague matter. What difference would it make, he asked, whether he came from India or heaven.[22] On the eve of his departure for Pakistan in May 1964, he claimed that he was going to that country as Sheikh Abdullah. The Government revealed in Parliament that in his application for a passport to visit foreign countries in 1965, he had answered a question which was not applicable to him and described himself as a First Class subject of the State of Jammu and Kashmir, but signed the application as national of India. And yet he insisted on denying his Indian nationality. When pressed hard after his release in January 1968, he said he was a "provisional" national of India.[23] Once he resented the question on the ground that he was a signatory to the Indian Constitution as a member of the Indian Constituent Assembly, the obvious suggestion being that his Indian nationality needed no proof and should not be questioned.[24] This was in 1969. Speaking at the convention sponsored by Khan Abdul Ghaffar Khan which met in New Delhi in the first week of February 1970, Abdullah called upon the minorities to win the confidence of the majority. "We must consolidate the trust in us and prove that we shall be second to none in laying down our lives for the nation. We are all Indians and will live and die in India."[25] And yet a few days later at Jaipur, "When I say India is my country, I do not say Pakistan is not my country."[26] Thus, he was Indian, not-Indian, both and neither. Once he had forced open the door of the world of make believe, these pantomimes became inescapable.

Even more ludicrous developments were in train. He began to describe the State of Jammu and Kashmir as a "country" or a "nation."[27] From this it followed that the Indian army whose

mination within the Community of Nations by Harold S. Johnson, A.W. Sijthoff, Lelden, 1968.

[19] *Times of India*, New Delhi, 5 January 1968. Also *National Herald*, Lucknow, 27 March 1968, and *Hindustan Times*, 8 May 1968.

[20] *Times of India*, New Delhi, 5 January 1968.

[21] *Indian Express*, New Delhi, 9 January 1968.

[22] *Statesman*, New Delhi, 5 January 1968.

[23] *Hindustan Times*, 7 January 1968.

[24] *Times of India*, New Delhi, 16 October 1969.

[25] *Ibid.*, 3 February 1970.

[26] *Ibid.*, 15 February 1970.

[27] *Hindustan Times*, 24 April 1964, also *Statesman*, New Delhi, 16 January 1965.

praises he had sung on many occasions, describing it as an army of liberation, was an army of occupation, a favourite theme of Pakistan leaders. Addressing a religious gathering at Hazrat Bal, he declared that India was in "forcible occupation" of Kashmir.[28] "India cannot remain long in Kashmir by force of arms," he declared and asked what was the sanction behind India's presence in the State except force? When did Kashmiris ask for the "stationing of lakhs of troops and thousands of policemen?"[29] Earlier at Anantnag he had assured everyone that India could not stay on in Kashmir by force because that would be to her own detriment. If she persisted in this policy a war like the one in 1965 would erupt again.[30]

From this to the threat that if India refused to surrender Kashmir to him, force would have to be used, was but a step. In 1964-65, after professing for sometime his peaceful intentions and the importance of a peaceful solution, he began to breathe fire. Even soon after his release he did not refrain from showing a mailed fist. He said at Anantnag that neither with the help of the Army nor by repression could the people's determination be crushed. "India may stumble along for a few more years but that will not solve the problem."[31] On the occasion of Id prayer in Srinagar, he was even more emphatic. "I will either secure a life of freedom and dignity for the Kashmir nation or die."[32] India should realize that she could not "carry a nation [Kashmir] with her on the strength of her army and with the help of a few paid agents. The United States with all its strength could not keep Cuba under its control. In today's world no nation can be suppressed with the help of rifles."[33] To a religious gathering he declared: "We will either secure our birthright or sacrifice everything in the struggle. There shall be no compromise."[34] Kashmiris would try their utmost to secure a peaceful solution of the problem, "but if peaceful methods

[28] *Hindustan Times*, 24 June 1964.
[29] *Statesman*, New Delhi, 30 March 1968; see also S. Vashishth, *Sheikh Abdullah—Then and Now*, Delhi, 1968, p. 179.
[30] *Times of India*, New Delhi, 18 March 1968.
[31] *Hindustan Times*, 18 April 1964.
[32] *Hindustan Times*, 24 April 1964.
[33] *Hindustan Times*, 24 June 1964.
[34] *Times of India*, New Delhi, 4 July 1964.

fail, we shall have to launch a struggle."[35] Such a struggle would not be peaceful, he warned. "For our part, we are determined to recover our independence and our sovereignty, be it by respect for our people's will or by force."[36]

He has been giving a repeat performance since his release in January 1968. "The people of Kashmir are poor and have no arms, but their resolve to live a life of honour is firm."[37] "We shall either come out victorious in the freedom struggle or get effaced."[38] He told the people to be prepared to face "any eventuality." "I do not know what trials face us in the future." Freedom was never given but taken.[39] There could be no compromise on the demand for self-determination. "We either achieve it or get perished in the struggle." India's "display of armed might" would not cow down the people of the State.[40] A situation might arise in Kashmir "which will force the Indian Government to settle the Kashmir problem." The young people were not committed to peaceful methods and were thinking of resorting to violence if India refused to grant them the right of self-determination.[41] Describing the present rulers of Kashmir as "traitors" who had sold national independence for a paltry sum, he said they were being sustained by Indian guns and gold.[42]

Thus speaks the prophet of peace. According to him, neither he nor Pakistan has any commitment, but both assert that India has. They can fly from one extreme to the other, owning no allegiance to any principle, law or convention. Abdullah can be against Pakistan today, castigating her as an aggressor, and for Pakistan tomorrow, claiming to be its votary in the interests of Indo-Pakistan friendship. Time was when Pakistan dismissed Abdullah as a "quisling"; today he is held up in Pakistan as a patriot fighting against Indian "colonialism" and "imperialism." Not many years ago Abdullah had nothing but praise for India; today he has nothing but censure. Against a claim of absolute freedom to

[35] *Hindustan Times*, 14 November 1964.
[36] *Statesman*, New Delhi, 19 April 1965.
[37] *Statesman*, New Delhi, 11 March 1968.
[38] *National Herald*, 16 March 1968.
[39] *Ibid.*
[40] *Statesman*, New Delhi, 18 April 1968.
[41] In an interview with DPA correspondent in New Delhi. *Patriot*, 9 May 1968.
[42] *Hindustan Times*, 11 May 1968.

act as he likes in his relations with India, ridiculing any idea of loyalty, he nevertheless insists that India has certain obligations which she must discharge. Thus while time cannot stand still where Abdullah and Pakistan are concerned, as far as India is concerned, he would have the world believe, it came to a stop long time ago. Until fully discharged, these "obligations" are ever-lasting, irrespective of what is done by an elected party in power in the State, by Pakistan or even by himself. He forgets that having gone over to Pakistan lock, stock and barrel and having renounced his own earlier convictions, he has no ground left for holding such a belief.

But he asserts he has, and it is that ground which needs examination. The ground is his claim of allegiance to communal harmony and secular democracy. After his release in 1964, he said at Jammu that he had never believed in the two-nation theory and was wedded to secularism.[43] Supporting the Delhi Agreement in 1952 he had said: "This goodwill and amity will result in the consolidation of freedom and democracy in our country. I may, however, emphasise that the supreme guarantee of our relationship with India is the identity of the democratic, secular aspirations which have guided the people of India as well as those of Jammu and Kashmir in their struggle for emancipation and before which all constitutional safeguards will take a secondary position."[44] On the eve of his departure for Pakistan in 1964, he explained how he felt for India. "I will carry the good wishes of India. I have no doubt about it. I know the mind of the Indian people. I know that there is nothing else except love. I have seen it....I do not forget it. I do not and cannot forget the sympathy and assistance which the people of India show to us. One cannot forget this."[45]

A note which he struck again and again is that the secular principles of India should not be undermined at any cost. A solution of the Kashmir question should be such that without weakening India's secularism "it should also satisfy the aspirations of Pakistan and Kashmiris."[46] Referring to communal harmony in Kashmir in the "dark days of partition," he expressed the view that even today it would be his endeavour to work for communal harmony,

[43] *Statesman*, New Delhi, 11 April 1964.
[44] *Hindu*, Madras, 12 August 1952.
[45] *Hindustan Times*, 2 May 1964.
[46] *Hindustan Times*, 5 May 1964.

indeed to sacrifice his life and protect the honour of anyone not belonging to his faith.[47] At the same time nothing should be done to weaken the secular character of India, however weak it might be today or affect the minorities in either country, because Kashmir's survival depended on India's stability.[48] Nehru was so much impressed by what Abdullah said on the subject that he made a pointed reference to it at the AICC meeting in Bombay. "Sheikh Abdullah is wedded to the principles of secularism and does not wish anything to be done to vitiate these in any way. He does not believe in the two-nation theory which was the basis of the formation of Pakistan. Nevertheless he hopes that it should be possible for India, holding on to her principles, to live in peace and friendship with Pakistan and thus incidentally to put an end to the question of Kashmir."[49] In Pakistan, in May 1964, Abdullah said in Rawalpindi that if the solution of the issue weakened the hands of secular and progressive forces in India, it would put the minorities in India in jeopardy.[50] The fate of minorities both in India and Pakistan was linked with the question of Kashmir.[51] Sometimes his extreme position smacked of insincerity. Any solution, he said at Srinagar on 8 August 1964, "by which even one member of the minority community gets dislocated will not be considered by me."[52]

After his release in January 1968, he appealed to the Muslims to follow the teachings of Gandhi who died fighting for the amity of religious communities. "Muslims in India must remember that we are born in India and India's honour is ours. We will live and die here, as this is our country. Pakistan is our brother and neighbour. Every Muslim's duty is to love and it is unlike a Muslim to spread hatred. Before me Kashmir is a small problem in view of the larger issues involved."[53] He took care to explain the circumstances in which Kashmir had acceded to India. "We came to India willingly at a time when the whole subcontinent was torn by communal strife and no one could believe that the Muslims of

[47] *Patriot*, 15 January 1968.
[48] *Times of India*, New Delhi, 27 March 1968.
[49] *The Congress Bulletin*, March-June 1964, pp. 265-6.
[50] Vashishth, *op. cit.*, p. 127.
[51] *Hindustan Times*, 3 May 1964.
[52] *Times of India*, New Delhi, 9 August 1964.
[53] *Hindustan Times*, 3 January 1968.

Kashmir had decided to join India. We shook hands with Mahatma Gandhi and not with Mr. Jinnah who held the Quran in one hand. We fought for certain principles. At that time I was regarded as enemy No. 1 of Pakistan."[54]

Enough quotations have been given to show that Abdullah wants to be taken seriously about his belief in communal peace and secular democracy. Unfortunately, when examined critically the belief evaporates. If India has no claim to Kashmir on the ground of voluntary accession, or a Constitution framed by elected members of the State, or common resistance to Pakistan aggression, and if India is charged with having suppressed the people and its "freedom fighters," as Abdullah now asserts, what is the relevance of his insistence on religious tolerance and secular values? None, unless he is suggesting that in some way the fortunes of Muslims in Kashmir and other parts of India are indissolubly linked. If this is so, and the matter must be looked at purely from the point of view of the Muslim community, it may be a practical approach to the issue, but how is it relevant to religious co-existence? Even granting that his view is somehow rooted in religious tolerance, for the sake of argument, how is this position acceptable to Pakistan which has put its faith in the two-nation theory? On the contrary, Pakistan has claimed Kashmir on the ground of its people being mostly Muslim, a view which Abdullah rejected not once but many times in earlier years. If his interest in India is limited to secular principles which have been rejected by Pakistan, what is the common ground among the three parties?

A major difficulty is that it is the lack of agreement on secular values between India and Pakistan which keeps the two countries apart. On 1 March 1962, President Ayub, introducing the Constitution of Pakistan said: "We are an ideological State and the basis of our nationality is the ideology of Islam. While making material progress, we naturally wish to do so under the umbrella of Islamic spiritual and moral values." This ideology governs Pakistan's home and foreign policy.[55] The Indian Union is not based on any religious ideology. This reduces the common ground between the two countries, if it does exist, to a razor's edge. Abdullah could

[54] *Hindustan Times*, 10 January 1968.
[55] See author's *The Pakistan-China Axis*, Asia.

not have forgotten the criticism in Pakistan in May 1964 when he was charged with being interested more in Indo-Pakistan amity and goodwill than in the settlement of the Kashmir issue. Upon this he promptly reversed his approach to the issue. He had argued that minorities could be safe in both countries only when the Kashmir issue was amicably and democratically settled. Otherwise no number of Home Ministers' conferences would help.[56] And again, according to him, the fate of the minorities in the two countries—60 million in India and 10 million in Pakistan—was linked with the solution of the Kashmir problem.[57] But then he had also insisted that the minorities would not be safe if India's secular political structure was weakened in any way. When, therefore, he proclaimed that secularism would not be affected whether Kashmir remained with India or not,[58] he was arguing against himself. Had he not said that Kashmir's survival depended on India's stability which depended on her secular character?[59] Thus his interest in India is limited not even to secular principles. The common ground which, according to him, existed among the three parties, India, Pakistan and Kashmir, vanishes into thin air.

As it happens, Pakistan does not recognize any relationship between Kashmir and secularism. Therefore, Pakistan and Abdullah hang together on this as on other issues. The rousing of communal passion as an instrument of State policy has been a favourite weapon of Pakistan leaders. Abdullah has not failed to emulate them. Apart from the fact that he addresses congregations in mosques and at other Muslim religious places, as on the occasion of Muslim festivals, and prefaces his address with a recitation of the *Quran*, he attempted to incite Muslims to violence after his release in 1964, as he has attempted again since his release in January 1968, details of which will be given in the next chapter. The identification of the two, Pakistan and Abdullah, was expressed without any qualification by no less a person than President Ayub and accepted by Abdullah without a challenge. In his version of what happened at Abdullah's talk with him in 1964, Ayub attributed certain proposals to Nehru. Abdullah issued a correction in a

[56] *Times of India*, New Delhi, 11 April 1964.
[57] *Sunday Statesman*, 10 May 1964.
[58] *National Herald*, 28 April 1968.
[59] *Times of India*, New Delhi, 27 March 1968.

letter which he addressed to the Pakistan President. Abdullah wrote:

> While giving your views on confederation in your book *Friends, Not Master*, you have amongst other things said: "When Sheikh Abdullah and Mirza Mohd. Afzal Beg came to Pakistan in 1964, they too had brought the absurd proposals of a confederation between India, Pakistan and Kashmir. I told them plainly we should have nothing to do with it. It was curious that whereas we were seeking the salvation of Kashmiris, they had been forced to mention an idea which, if pursued, would lead to our enslavement. It was clear that this was what Mr. Nehru had told them to say to us. I do not blame them because they were obviously acting under the compulsion of circumstances but they left me in no doubt that their future was linked with Pakistan." In order to keep the record straight I would request you to refresh your memory as to what actually I told you when I met you along with Mirza Afzal Beg, for I find certain discrepancies in your above statement. We never carried with us any cut and dried proposal for the solution of the Kashmir dispute and, to be fair to the late Pandit Jawaharlal Nehru, he never forced us to put before you any particular proposal. No, we are not made that way. My sole purpose in visiting Pakistan and meeting you was to pursuade you to agree to a summit meeting with the Prime Minister of India so that a solution acceptable to all concerned could be found at the conference table. When asked if I had any specific solution in my mind I told you clearly that I had none except the one that emanated from the United Nations and to which both India and Pakistan agreed.[60] Incidentally I referred to a number of other possible solutions suggested from time to time by various people and friendly countries. It was in this sequence that confederation between India, Pakistan and Kashmir was mentioned by me as it was also being suggested as one of the possible solutions. Of course this particular proposal was vehemently denounced by you. Such a solution, you felt, would encourage the forces of disintegration not only in Pakistan but more so in India. My advice to you, however, was not to reject any proposal outright but discuss its pros and cons in a friendly manner at the conference table and convince the other side that a particular solution would not lead to ultimate peace which ought to be the common objective of all. My whole emphasis was that the parties must give up their rigid attitude and be prepared to listen to the viewpoint of the other side without attributing motives. Both India and Pakistan had unfortunately got too much involved in this dispute and, therefore, such a solution only must emerge from the conference table which the parties could present to their respective peoples as the just solution under the prevailing circumstances. None should leave a conference table with a sense of defeat.

[60]For details of the United Nations resolutions on the subject and how Pakistan torpedoed them, see author's *The Kashmir Story*, Asia.

This long letter has been quoted to show that while Abdullah contradicted Ayub Khan's statement that it was Nehru who had told Abdullah to put the confederation proposal before the Pakistan President, he did not challenge Ayub's assertion that Abdullah and Beg "left me in no doubt that their future was linked with Pakistan." Abdullah devoted so much space to show how Ayub had been less than fair in reporting the discussion he had with him in Rawalpindi and how the Pakistan President had in reality misrepresented the facts, but he completely ignored Ayub's assertion that Abdullah in spite of all his talk about the conference table, had already cast his lot with Pakistan. Here was a grave allegation which Abdullah accepted without demur, particularly after Pakistan aggression in 1965 which had destroyed all her pretensions of being anxious to seek a fair solution of the problem. Abdullah thus wears his intentions on his sleeve.

In brief, Abdullah's professions of peace, his faith in India's secular and democratic principles, his cautious advice that a solution must not result in a defeat for any one of the three parties, and his concern for minorities in India and Pakistan, are no more than a convenient way of attempting to recover the confidence of the people of India by giving them assurances which he has no intention of honouring, his allegiance having already been reserved for Pakistan.

CHAPTER ELEVEN

ABDULLAH'S PART IN THE INVASION

HAVING COME so close to Pakistan, is it unfair to suggest that Abdullah had allowed himself to become an instrument of Pakistan policy on the Kashmir question? Only a study of the facts can throw light on the subject. *Prima facie,* if he could echo Pakistan slogans and arguments, he could also act to accomplish the Pakistan design.

The decision to use arms against Kashmir was perhaps taken in Pakistan long before its armed forces invaded the State in 1965. Since 1958 Pakistan had been engineering more and more incidents along the cease-fire line. "These included firing, encroachments on territory, stoppage of water channels flowing across the line, incidents at harvest time, spurious claims to property, commando raids by soldiers disguised as civilians, planting of bombs and booby traps, cutting off telegraph and telelphone lines, night attacks on pickets, posts and villages, distribution of literature inciting people to religious hatred, etc."[1] With the passage of time, Pakistan stepped up the tempo of violence. The number of incidents involving firing began to rise year after year. In 1965, before Pakistan committed its second aggression in Kashmir, the monthly average of such incidents was 200.

It is quite likely that once the Chinese invasion of Ladakh and NEFA had exposed the fatal weakness of the Indian defence system and the joint talks on Kashmir and other related matters which the USA and Britain had forced upon an unwilling India broke down, Pakistan decided to make another attempt to seize Kashmir by force. This is also apparent from the manner in which the stage was set for the fateful event. Dehlavi, Pakistan's Foreign Secretary, by no means a man of conciliation, was replaced by Aziz Ahmed, a hawk with an unenviable record as Chief Secretary in East Pakistan,

[1]From author's *The Kashmir Story,* Asia, p. 113.

where he had subjected the non-Muslim minorities to incalculable hardship which forced millions of them to flee to India. Bhutto, a theatrical firebrand, stepped into the shoes of Mohammed Ali Bogra, as Foreign Minister. In spite of protests from India, Pakistan had already signed with China an agreeent on Kashmir's border with Sinkiang. Relations between Pakistan and China became so close and their hostility to India so identical, that Bhutto felt justified in holding out a clear threat to India. Speaking in the Pakistan National Assembly on 17 July 1963, Bhutto affirmed:

> God forbid if there was to be a clash, if India were in her frustration to turn guns against Pakistan, the international situation is such that Pakistan would not be alone in that conflict. A conflict does not involve Pakistan alone. Attack from India on Pakistan today is no longer confined to the security and territorial integrity of Pakistan. An attack by India on Pakistan involves the territorial integrity and security of the largest State in Asia and, therefore, the new element and this fact that has been brought in the situation is a very important factor. I would not, at this stage, like to elucidate any further on this matter. But suffice it to say that the national interest of another State itself is involved in any attack on Pakistan.[2]

A few day later Bhutto reaffirmed the assurance "from our friend" to come to the aid of Pakistan in the event of aggression.[3] When a sacred relic was stolen from Hazrat Bal, a religious shrine in Kashmir, Pakistan did its utmost to exploit the opportunity to rouse religious feelings in Kashmir to a boiling point and Pakistan against India, and continued to do so even after the relic was recovered and restored at the shrine.

Then in April 1964 came Sheikh Abdullah's release. In May of that year, he went to Pakistan where he held talks with President Ayub, subsequently visiting Pakistan-occupied Kashmir. But his visit was cut short by Nehru's death. Is there evidence to show that on his return to India from Pakistan he began to further the policy objectives of Pakistan by helping to prepare the ground for

[2]*Dawn,* Karachi, 20 July 1963.

[3]*Dawn,* Karachi, 25 July 1963. For further details of Pakistan-China relations, see author's *The Pakistan-China Axis,* Asia, 1968.

Pakistan's planned invasion of Kashmir in 1965? If the Pakistan authorities took him into their confidence and briefed him for an armed conflict with India, or if, in case this is unlikely because of security considerations, he was told enough to enable him to prepare the ground in Kashmir and outside India, there should be some evidence of this in his subsequent statements and activities. Plainly what Pakistan found necessary was a series of political, diplomatic, and military moves to create a climate to justify aggression as an act of self-defence. Are such Pakistan moves even faintly visible in Abdullah's utterances?

Before his departure for Pakistan, the Government of India had left Abdullah in no doubt about its position on Kashmir. The Home Minister, Gulzarilal Nanda, declared that "there can be no going back on Kashmir's accession to the Indian Union," adding that the "accession is complete, final and irrevocable."[4] The Union Finance Minister, T.T. Krishnamachari, was no less specific in the Rajya Sabha on 29 April 1964. Assuring the Rajya Sabha, he said: "...in the talks that we will have with Sheikh Abdullah one need not presume, one need not assume, need not even suspect, that the fundamentals would be gone into, because the fundamentals have been decided."

While indirectly referring to pressures from foreign countries and more specifically, while thanking the United States for military aid for the defence of Ladakh, he protested in no uncertain terms:

> When we remind the Americans of our attitude to them for this purpose, we also remind them that they have accepted the fact that India had a responsibility to defend Ladakh. For what? We may be fools, we may be people who are full of pride sometimes, but we are not that much of fools to go and defend an arid area, thinly populated, with rather no strategic importance excepting as something which is an overlay on the Kashmir Valley. If we do not have the responsibility of maintaining the integrity of the Kashmir Valley as part of the Indian Union, I think we should have been foolish to extend our activities into Ladakh and it will still be so.[5]

[4] *Amrita Bazar Patrika*, 20 April 1964.
[5] *Hindustan Times*, 30 April 1964.

As a believer in secularism and as a follower of Mahatma Gandhi, observed the Education Minister Chagla, Abdullah should "stand by Kashmir's accession" to India to save secularism.[6] Even Nehru was of the view at the AICC meeting in Bombay that in helping Abdullah in his attempt to develop closer relations between Abdullah and Pakistan, "we must adhere to our principles as well as to our basic attitude in regard to Kashmir."[7] Lal Bahadur Shastri was no less emphatic in Bangalore. "We cannot enter into any bargain which will affect our integrity and sovereignty."[8]

It is thus clear that Abdullah, before he went to Rawalpindi, was fully aware of the Indian official position on Kashmir. There could be no compromise on the State's accession to India, and any proposal aimed at ending the accession or the secular values of the Indian State was ruled out of court.

A development which took place after his return from Pakistan reflected his new mood. Towards the end of July the so-called Plebiscite Front held a convention in Srinagar and adopted a statement presented by Beg on the general political situation. When nobody, except leaders in Pakistan, was talking about the possibility of a war, the statement contained this sentence: "The unhappy dispute over Kashmir has divided these two big neighbours and threatens to carry them to the brink of war which must needs be avoided."[9] The statement appealed to "the peace and freedom loving" forces in India and Pakistan, "as also all over the world," to unite and help in settling the problem. The convention was blessed by Sheikh Abdullah. It is also significant that it adopted a resolution condemning the "colonial rule in Angola and other parts of the world." The resolution went on to say:

> The people of the State of Jammu and Kashmir, being themselves victims of the worst kind of suppression and repression through centuries' old denial of the right of self-determination, can well visualise the bitter and sub-human conditions in which the inhabitants of these dependent territories eke out their miserable lives....

[6] *Hindustan Times*, 2 May 1964.
[7] *Hindu*, Madras, 17 May 1964.
[8] *Hindu*, Madras, 22 May 1964.
[9] *Statesman*, New Delhi, 27 July 1964.

> The Front feels that, with the continuing denial of the right of self-determination, these power kegs can create a tremendous conflagration and do incalculable harm to the forces of peace and progress.

Thus, the lovers of peace predicted war and conflagration. "Our faith in communal harmony is not based on consideration of political expediency," stated a resolution on communal harmony. Yet, according to the same resolution while the communal harmony was essential to the survival of both India and Pakistan, no less was the removal of all friction, including the question of Kashmir which was a major friction between the two countries. It was plain that an attempt was being made to stir up agitation in the State and to mobilize world sympathy by bracketing India with Portugal and branding it with the guilt of suppressing innocent people under its "colonial" heel. The resolution was intended to be particularly galling to India which over the years had led a campaign at the United Nations against the colonial atrocities perpetrated by Portugal and South Africa. Like Abdullah, Pakistan had struck similar attitudes in the General Assembly of the United Nations and at meetings of Specialised Agencies of the United Nations. The whitepaper on constitutional relationship of Kashmir with India, issued by the Plebiscite Front on the occasion, might well have been printed and issued in Rawalpindi or Karachi. One resolution detailed "the repressive and inhuman methods employed by the ruling clique to stifle the demand of the people for the right of self-determination."[10] Still another criticized the "economic setback in the State" and attributed it to the artificial division of the State. It emphasized the need to "end the uncertainty in the State."

Only a month earlier Bhutto had said in Karachi that both India and Pakistan should eagerly search for a solution of the issue, which he described as a "thin thread" between war and peace in the region.[11]

In the circumstances, the best way to rouse the people against the Government of Jammu and Kashmir and the Government of India was to set a match to the religious passion of the Muslims. On 7

[10] *Ibid.*
[11] *Indian Express*, 27 June 1964.

August in Srinagar Abdullah said that Hindu newspapers came out with lengthy editorials criticizing the Plebiscite Front and "the freedom movement of Kashmir."[12] Addressing a religious gathering at Hazrat Bal, Abdullah threatened a possible use of violence if peaceful methods failed to secure for the people of Kashmir the right of self-determination.[13] He was still preparing the people for the need of a change, if necessary a change by violence. "The Kashmir issue is a question of life and death struggle for us," he told a meeting of his followers in early November. The State's economic conditions, the people were told, had deteriorated during the eleven years of "misrule" and there had been no industrial development.

> The administration has deteriorated to such an extent that there is in fact no administration. Our border with Pakistan is disturbed and every day innocent people are killed and their crops destroyed. The ruling party is divided and the two factions are bitterly fighting each other. The Assembly ceased to be representative of the people long ago. Under these conditions what are the people of Kashmir expected to do? They cannot remain like this for ever. The time has come for both India and Pakistan to take up the Kashmir question with the urgency it deserves. Any delay in doing so will force the people to think of other courses of action to decide their destiny.[14]

From the look of things it appeared that the Front was organizing itself for some kind of agitational action. Sadiq warned the Front that if Abdullah and his followers transgressed the limits of the law they would be dealt with firmly. A week earlier, according to a Pakistan newspaper, Abdullah had uttered a warning that if peaceful methods failed to bring about a satisfactory solution, the people of Kashmir would be prepared to make sacrifices.[15] At the annual session of the Front at Sopore, Abdullah came out in the open. "It was meaningless to argue in a negative way that a Kashmir solution was possible only when India and Pakistan agreed to it,"

[12] *Statesman*, New Delhi, 9 August 1964.
[13] *Times of India*, New Delhi, 19 September 1964.
[14] *Hindustan Times*, 14 November 1964.
[15] *The Pakistan Times*, Lahore, 14 November 1964.

he said addressing the convention. "The right to decide their destiny belongs to the Kashmiri people and no power, however mighty, could deny it to them. It was because the people had not excercised that right that there had been no Kashmir settlement."[16] This meant that there were no longer three parties to the dispute, as he had contended earlier. Since he was singing Pakistan hymns, it meant, in fact, that there were only two parties to the dispute, Pakistan and Kashmir, which could do what they liked. Thousands of Indians, he asserted, could not deprive the Kashmiris of their right of self-determination. He said nothing about the Pakistan troops standing in the way of Kashmir. Then he came to the real point. The Kashmir Maharaja and the majority of the State's population belonged to two different religions and "since the Maharaja's armies provoked Pakistan by suppressing the Muslims of Poonch, the trouble arose and under the stress of circumstances, he acceded to India." He concluded: "Just as British imperialism finally bowed to India, time will soon come when India will have to bow to the will of Kashmiris."[17]

So the agitation, according to Abdullah, was really religious, not political, and his object was to separate the majority of the State's people who are Muslims from the section of the population to which the ruler belonged and which consist of Hindus. He forgot that he had himself opposed this type of sectarian madness in his previous statements, some of them made after his release only a few months earlier. Here was Pakistan's case in a nutshell. This was hardly the way to a peaceful and permanent settlement of the issue.

On 16 November, the Front banged the door on constitutional methods. A resolution seeking participation by the Front in the elections to the State's elective bodies was withdrawn by the mover because the delegates thought the party should contest elections only if these were held under the auspices of some impartial agency like the United Nations.[18] The Front also passed a resolution against an alleged "conspiracy" hatched to convert the State's Muslim majority into a minority.[19] The census of 1961, according to the resolution, showed that the ratio of Muslims to the State's total

[16] *Hindustan Times*, 16 November 1964.
[17] *Patriot*, New Delhi, 16 November 1964.
[18] *Statesman*, New Delhi, 17 November 1964.
[19] *Ibid.*

population had gone down because of a phenomenal increase in the number of non-Muslims. It was stated in the political resolution, "Day in and day out India is preaching peace and professing faith in a peaceful settlement of disputes. In such professions Pakistan is not behind India, but unfortunately India has for some years begun to prevaricate about the implementation of the pledge of self-determination. The world has in the past learnt bitter lessons at heavy cost that violation of international pledges has led to disastrous wars."[20] Before the session ended Beg who was President of the Front told the delegates something which showed fore-knowledge of coming events. He said that some way would be found *next year* to decide the destiny of the people.[21] On the opening day of the session he had described as baseless the assertion often made by India that Pakistan's participation in CENTO and SEATO had changed the balance of power on the subcontinent and could become the basis for resisting Kashmir's accession. "Nobody can punish us for the sins of others."[22]

The session showed how far Abdullah and his lieutenant Beg had moved away from their earlier professions—secularism, stability of India, peaceful methods, Indo-Pakistan friendship, India's love for Abdullah, the interests of minorities. Instead they talked about the danger of wars and conflagration, played stridently on sensitive communal feelings, not to promote peace and friendship among the various communities but to set them by the ears, and projected their support and sympathy for Pakistan and their hostility against India and the Hindus. In other words, they had decided to tread on the razor's edge. Beg denied that his party was preparing to disturb the peace or was drawing up a "subversive" plan, but admitted that on the issue of recognition of the State's Constitution and seeking entry into the legislature there were differences in the ranks of the Front.[23]

Abdullah now took the next step. This was a memorandum which he sent to the Prime Minister and which was published in an issue of the *Front*, the official organ of the Plebiscite Front. In the memorandum he demanded self-determination for the people of

[20] *Hindustan Times*, 17 November 1964.
[21] *Ibid.*, italics mine.
[22] *Tribune*, Ambala, 20 November 1964.
[23] *Ibid.*

Kashmir, failing which he threatened the use of "other means". The memorandum also made allegations of "atrocities and victimization" of the people in border villages by the army personnel, and asked the Prime Minister to inquire into them. He said the "allegations" had been received from the civilian population of the border villages. According to the memorandum the army authorities were taking over agricultural land, orchards and village properties without rehabilitating the uprooted.[24] Thus while the Pakistan Army was busy softening the cease-fire line with gun and mortar and was taking preliminary steps for the impending Pakistan aggression in the Kutch, Abdullah tried to help by creating agitation and scare among the people in the State with the aid of political instruments. There is not a single statement on record by him or by Beg in which either criticized Pakistan for what its armed forces were doing along the cease-fire line, or for violation of the Indian air space over the State by its military planes.

The climate, he presumably thought, was now ready for an open call to the Muslims against those Muslims who supported the Government and, of course, the non-Muslims whom he had already separated from the Muslims on the ground that their religion was the same as the Maharaja's. Addressing a public meeting at the Hazrat Bal shrine held under the auspices of the Plebiscite Front to protest against the proposed extension of Articles 356 and 357 of the Constitution of India to the State, he warned the people that any Muslim who became a member of the Indian National Congress, a unit of which had been set up in the State, would "not only dig his own grave but of the whole nation." The formation of the Congress unit in the State was not to bring freedom to the Muslims in the State but to "tighten the chains of slavery on them." Any Muslim who became a member of that organisation, he declared, ceased to be a Muslim. Besides, those Muslims who wanted to form a Congress base in Kashmir should be boycotted. "Conspiracies that were being hatched in India against us must be made unsuccessful. The Muslims of Kashmir must demonstrate that not even one of them was with the Congress. The time for appealing to India in the name of justice and ethics was over." Muslim members of the Assembly must resign their seats.[25]

[24] *Statesman*, New Delhi, 9 December 1964.
[25] *Statesman*, New Delhi, 16 January 1965.

Commenting on this development, the Kashmir Premier deplored Abdullah's attempt to speak the language of a communalist and advocate boycott of the Congress by all Kashmir Muslims. It was an irony of fate, he added, that Abdullah should have dubbed nationalist Muslims as "enemies of Islam" in the same manner in which Jinnah had spoken of Abdullah two decades earlier.[26] Chagla described Abdullah's utterances as "most unfortunate, anti-secular and anti-national."[27] But Abdullah was determined to go his own way. Not satisfied with appealing to Kashmir Muslims to boycott the Congress, he now suggested that Kashmir Muslims should be prevented from joining the Congress, threatening those who joined it with a boycott.[28] What was more, social boycott should include marriage and death. "Our nation cannot be kept enslaved with the help of the army. We are determined to achieve our right of self-determination. If our peaceful struggle proves of no avail, then we will take to some other method. Kashmiris are no more to be enslaved as they were before 1947. Today they can firmly stand against a volley of bullets."[29]

The Kashmir problem would not be allowed to hang on for ever, he declared in an interview given to *Hamdard*, a local daily. People should be patient as *the day was not far off* for the solution of the Kashmir problem.[30] He advised the Muslims to make the social boycott in accordance with the Prophet's directions. On the eve of his foreign tour, he asserted in Delhi that the situation was becoming explosive and it might get out of hand. He still talked about the Kashmiris' love for India and their awareness of Kashmir's inability to survive if India's freedom was threatened.[31] But this was no more than a veneer and too thin a veneer at that. Some of his followers had already begun to take the law into their own hands, attempting to dictate to independent Muslims what they should or should not do.

The implications of his new move were clear. He was determined to prevent the development and expansion of a broad-based

[26] *Hindustan Times*, 18 January 1965.
[27] *Patriot*, 30 January 1965.
[28] *Hindustan Times*, 30 January 1965.
[29] Vashishth, *Sheikh Abdullah—Then and Now*, p. 132.
[30] *Hindustan Times*, 4 February 1965. (Italics mine.)
[31] *Indian Express*, New Delhi, 11 February 1965.

political party, open to members of all communities, irrespective of their religion, and secular in character. Such a party could provide life blood to democratic institutions, widening and diversifying the channels of cooperation between the electors and the elected, and bring a sense of realism to the solution of the State's internal problems which were largely economic and non-sectarian in character. But he was not interested in these objectives. The goal he had set for himself was to stir up trouble in order to show to the world at large that the Kashmiris were slaves who were struggling for their right of self-determination. If in this process violence had to be used together with the instruments of subversion and sabotage, there was no other choice. Such an Abdullah suited Pakistan and apparently his trip to Rawalpindi had not been in vain. For this Abdullah used a new language and a new idiom. Subsequent arrests by the State Government brought to light the underground network of subversion which the Plebiscite Front had begun to set up. The ambassador of peace thus turned out to be a messenger of violence. How strange sounded his earlier utterances!

"Maybe some people are trying to create a false impression that I and my men are becoming a law and order problem, but I emphatically say we shall never abandon the path of peace. Even if some people try to provoke clashes we will not oblige them. We have enough patience." This is what he had said in Srinagar on 23 July 1964.[32] He certainly had enough patience for pushing the State to the edge of a precipice.

The ground which the Front was preparing in the Valley was to be matched by the rousing of public opinion in foreign countries, especially in Afro-Asian countries the representatives of which were expected to meet in Algiers, more particularly among Muslim countries. In this task Pakistan was already enjoying the support of China and Indonesia. Who could show better to the Afro-Asian countries that while India talked about freedom and opposed colonialism and imperialism, she was herself guilty of both in Kashmir, than Abdullah who knew all the Pakistan arguments and who had used them in his sermons and statements. Before Abdullah went to Pakistan, he had no plans for going abroad. On 18 April 1964,

[32] *Hindustan Times*, 24 July 1964.

he had denied through a spokesman a Karachi report that he was planning to visit foreign countries to canvass world opinion in favour of "self-determination" for Kashmir. "There is no such programme," said the spokesman.[33] It is significant that the report had originated in Pakistan. Asked a couple of days later, if he planned to pay a visit to foreign countries, excluding Pakistan, Abdullah said he had no plans.[34] Thus, before he met Pakistan leaders in Rawalpindi, he had no thought of going on Haj or visiting other countries.

Nevertheless, on his return from Pakistan, he began to talk about such a possibility, particularly of going to London and visiting other countries like the UAR.[35] Following the announcement of his plan to pay a visit to London, there appeared reports in the British Conservative Press of "package" plans and the like for Kashmir. Since presumably Abdullah had no plans, let alone a package plan, he cancelled the visit, which was to coincide with the Commonwealth Prime Ministers' Conference. Bhutto said the cancellation of the visit was brought about under "Indian pressure."[36] It was this proposed visit which subsequently developed into a pilgrimage to Mecca, attendance of a Muslim Divines' conference, and his visit to Arab and European countries.

A day before he left for Cairo, he denied any intention of launching a vilification campaign against India or Pakistan during his trip abroad.[37] Yet in an interview published in *Al Gomhouria* of Cairo he compared Kashmir with Palestine, thus hoping to arouse Arab feeling against India. "Partition of a people is a humanitarian problem. We are looking to President Nasser who can realise the problems of partition. The people of Kashmir want President Nasser to contribute to the solution of the problem because of the respect accorded him by everybody."[38] At a press conference in Cairo Abdullah expressed the hope that the Afro-Asian Conference which was expected to meet in Algiers in June would take up the question of Kashmir as a problem affecting the

[33] *Hindustan Times*, 19 April 1964.
[34] *Ibid.*
[35] *Statesman*, New Delhi, 12 June 1964.
[36] *Indian Express*, New Delhi, 27 June 1964.
[37] *Ibid.* Also 11 February 1965.
[38] *Times of India*, New Delhi, 8 March 1965.

divided people—like the problem of Germany, Vietnam and Palestine.[39] "After all why do Afro-Asian countries meet? They are meeting to discuss various countries which are a source of worries—among them Kashmir is one." He went on to add: "We ask you to understand our problem and support us. Compare Kashmir to what is happening in Germany today with a dividing line cutting the people into two, with brother cut off from brother and father from son. At least in Germany they can meet once a year at Christmas time, but in Kashmir they cannot." At the same press conference he appealed to Afro-Asian countries for support. "They [the people of Kashmir] will invoke your assistance and of all freedom-loving people. Egypt has reached the shore of freedom. Algeria has reached the shore of freedom. It is their moral duty to help us. We ask for your support." Was this an appeal to Arab countries for arms for guerilla warfare in Kashmir?

When asked in London whether he could foresee violent methods, he replied in equivocal terms namely, that he had been trained in a particular manner in politics—the non-violent and self-suffering method. But he could not predict the future.[40] Kashmir was a powder keg and the Indian Government was playing with fire. It was his purpose to rouse the attention of the world, particularly of countries closely interested in the situation like Britain.[41] Evidently he had done very well in Cairo and London, for Bhutto, the Pakistan Foreign Minister, described his visit to foreign countries as having added "new dimensions to the heroic struggle of the people of Jammu and Kashmir for their liberation from India."[42] Abdullah and Pakistan thus appeared to be moving hand in hand, conscious of their common purpose, each supporting the other. In the B.B.C. newsreel in English "The Lion of Kashmir Speaks in London" on 18 March, Abdullah said: "Well, I say my main purpose (in going to Algiers) is to create world opinion in favour of an immediate settlement of this dispute." Answering a question what he would do after his visit to Algiers and Mecca, "and then back to India?" he said: "Well of course that depends upon circumstances prevailing then, because the situation is very

[39] *Indian Express*, New Delhi, 3 April 1965.
[40] *Times of India*, New Delhi, 8 March 1965.
[41] *Hindustan Times*, 9 March 1965.
[42] *Ibid.*

much explosive in Kashmir and about 400 people have been put back in prison.

Do you fear arrest if you went back to India?
Well this may happen.
But you don't know?
I don't know. I have have some fears.[43]

Then came Chen-Yi's invitation to Abdullah to visit China, an invitation extended to him through the Government of Pakistan. The invitation was announced by Bhutto at a public meeting in Karachi at which Chen-Yi was present. Bhutto said he saw nothing wrong in such a visit. China had invited Abdullah because it believed in a fair solution of the Kashmir dispute.[44] There was a furore in Parliament. Prime Minister Shastri declared on 31 March in the Lok Sabha that "we would never allow him to go there [China]."[45] In Algiers Abdullah sought a meeting with Chou En-lie. "We happened to be in Algiers," states Abdullah, "when Chou En-lie flew in, and we called on him. We talked about Kashmir. He said China had always supported the right of self-determination of the people of Kashmir, for which we thanked him."[46] Before his departure from Algiers for Paris, Abdullah announced that as a person "leading the freedom movement in Kashmir," it was possible that he might return to attend the Afro-Asian conference.[47] According to sources close to the Chinese Embassy in Cairo, Abdullah was expected to visit Peking before returning to India.[48] In an interview to the Paris newspaper *Le Monde* he was reported to have mentioned the possibility of not returning to India.[49] Not to let the grass grow under his feet, Bhutto announced in Karachi that Pakistan was ready to give Abdullah a passport to visit China, if India denied him one. He would also like Abdullah, he added, to visit the Soviet Union and

[43] *Statesman*, New Delhi, 14 March 1965.
[44] *Times of India*, New Delhi, 30 March 1965.
[45] *Statesman*, New Delhi, 1 April 1965.
[46] *Patriot*, 2 April 1965.
[47] *Indian Express*, New Delhi, 3 April 1965.
[48] *Statesman*, New Delhi, 2 April 1965.
[49] *National Herald*, Lucknow, 2 April 1965.

the USA after China to tell these countries about "the freedom struggle of Kashmiris."[50] Meanwhile, as he disclosed in Cairo, Abdullah was still turning the matter over in his mind. A decision would be taken on his plans, he stated, during his three-week stay for the Haj in Jedda. He also confirmed having taken the initiative to meet the Chinese Premier.[51]

So great was the resentment in India against Abdullah's activities that the Foreign Minister, Sardar Swaran Singh, had to make a statement in the Lok Sabha on 5 April. "His meeting Chou En-lai and his accepting an invitation to visit China is extremely objectionable. Sheikh Abdullah's seeking Chinese support in regard to Kashmir which China has invaded and parts of which it is illegally occupying amounts, in the Government's view, to a highly prejudicial act." All endorsements on his passport except those necessary for the purpose of Haj pilgrimage were cancelled. The validity of his passport as well as the passports of other members of his party was limited up to 30 April 1965. Now that Abdullah had shown his hand, Sadiq referring to the activities of the Plebiscite Front workers, said his Government was determined not to allow any kind of rowdyism in the State.[52] Brines has observed: "The Indians were legitimately concerned that Abdullah's flirtation with Peking could become a serious threat to them."[53]

Meanwhile Pakistan was busy mounting its campaign of hate against India. The Indo-Pakistan conference of Home Ministers which was intended to deal with various Indo-Pakistan problems was postponed indefinitely by the Government of Pakistan. India's repeated invitations to President Ayub to pay a visit to India were politely declined. The Rawalpindi-Peking-Jakarta axis was forged to exert triple pressure on India. The UN Chief Military Observor's proposal for a meeting between representatives of India and Pakistan in order to work out agreed principles for securing an observance of the cease-fire line in Jammu and Kashmir was accepted by India and rejected by Pakistan. Then with American tanks Pakistan struck in the Rann of Kutch, part of the Gujarat State of the Indian Union. While this aggression was in progress, Abdullah

[50] *Dawn*, Karachi, 3 April 1965.
[51] *Statesman*, New Delhi, 4 April 1965.
[52] *Ibid.*, 7 April 1965.
[53] Russell Brines, *The Indo-Pakistani Conflict*, p. 297.

threatened to use force in Kashmir. He "embarked on a highly suspicious diplomatic campaign."[54] At Jedda in Saudi Arabia, he declared: "For our part, we are determined to recover our independence and our sovereignty, be it by respect for our people's will or by force. We shall obtain our complete freedom."[55] He had asked King Feisal of Saudi Arabia for his Government's help. "King Feisal assured me of his total backing."[56]

In a note giving the background leading to the placing of restrictions on Abdullah's movement when he returned to India, the Union Government stated that although it had shown Abdullah "every possible consideration," he had misused the freedom permitted him by law and the Constitution. "Sheikh Abdullah has become almost a mouthpiece of the Government of Pakistan," stated the note. He had abandoned his faith in the need for communal harmony and had become a politician to whom religion appeared to matter more than the common weal. With the growing lack of response from the public, Abdullah and the Plebiscite Front began to resort to methods which could only lead to violence and a challenge to law and order. In desperation he advocated *Tarqi Mawalat* (Boycott), a programme intended to rouse religious fanaticism against those who believed in nationalist values, thereby tending to break up the unity of the people and the orderly progress of their normal life. "A hard core of Plebiscite Front workers was used as shock troopers to follow fascist methods to dictate to the people. Fortunately, this movement was nipped in the bud by the vigilant authorities." The note went on to say:

> Sheikh Abdullah has repudiated his basic position on Kashmir as an integral part of the Indian Union, a position which he passionately affirmed and reaffirmed in 1947-52 and, to some extent, even after his release last year. He is ignoring history, the compulsion of realities, the interests of minorities and the overriding considerations arising out of the secular character of the Indian Union. By courting Pakistan and Chinese favour, both aggressors in Kashmir, he seeks to heighten tension between

[54] *Ibid.*
[55] In an interview to *Agencie France Presse*, *Statesman*, 19 April 1965.
[56] *Ibid.*

India and those countries. In the course of his political career, Sheikh Abdullah has not shown any genius for loyalty to a leader, his colleagues or even to any ideology.

In his statement made in the Rajya Sabha on 8 May 1965, the Home Minister informed the House that on their return from abroad, the Government had served orders on Abdullah and Beg with a view to preventing them from acting "in a manner prejudicial to the defence of India, civil defence, public safety and the maintenance of public order.... Their activities during the last two months or so made it clear that unless some restrictions were placed on their movement they would act in a manner prejudicial to the internal and external security of the country."[57]

As one of his former colleagues observed Abdullah "gave a call to his impatient followers of Tarqi Mawalat (social boycott) of the State Muslims who had joined the 'Hindu' Congress. It unleashed forces of disorder, lawlessness and hooliganism. The Government was left with no alternative but to arrest over 200 prominent workers of the opposition."[58]

Admittedly, what is set out on the previous pages is no more than circumstantial evidence, but it cannot be dismissed lightly. Direct evidence in such a case would not be easy to secure, and in the circumstances any evaluation of Abdullah's conduct is possible only on the basis of his activities and utterances in Jammu and Kashmir and abroad. In a number of statements, he and his lieutenant Beg dropped enough hints to show that they were aware of Pakistan's intentions to mount a military attack on India in Kashmir. Thus they threatened India with a "war", "a conflagration"; warned India that Kashmir was a "powder keg"; Beg reassured the Plebiscite Front that "some way" would be found "next year" to decide the destiny of the people; Abdullah declared that "the day was not far off" for the solution of the Kashmir problem and the Indian Government was "playing with fire." At any rate, in the light of subsequent events, these did not prove to be idle threats. Had the processes initiated by Abdullah continued un-

[57]Release dated New Delhi, 8 May 1965, by Press Information Bureau, Government of India.

[58]Prem Nath Bazaz, *Kashmir in Crucible*, Pamposh Publications, New Delhi, p. 99.

interrupted, the disguised invasion of Jammu and Kashmir by Pakistan on 5 August 1965 might have conceivably been supported by Abdullah raising the banner of revolt in the Valley. "The Moslem Pakistanis, led by President Ayub Khan," said one observor, "had expected the infiltrators to be able to produce a general uprising of the predominantly Moslem Kashmiris, it is believed here. But there was no uprising and this is Ayub's first disappointment."[59] The purpose of the Pakistani guerillas, wrote Walter Lippman, was "to arouse the population and to 'liberate' Moslem Kashmir from Hindu Rule."[60]

The Pakistan invaders hoped to be received with open arms by the civilian population, or as another newspaper put it: "Everything leads one to think that Pakistani infiltrations in the Valley wereprobably aimed at starting a revolt by throwing the suburbs of Srinagar into trouble...."[61]

Several letters written in Urdu by Beg to Ghulam Ahmed of Badarwah in Jammu and seized by the Government have thrown a new light on the subject. The letters revealed Ghulam Ahmed as the link between Beg on the one hand and officials in the Pakistan High Commission on the other. It was through Ahmed that instructions and substantial amounts of money passed. According to these letters, Abdullah and Beg were aware of Pakistan's intentions to launch a military attack on Jammu and Kashmir in 1965.[62] Home Minister Chavan said in the Lok Sabha on 13 December 1969 that some people in the State had received money from Pakistan. He was not prepared to accept a member's suggestion that Sheikh Abdullah was one of them. "We should be careful in what we say. We are dealing with a delicate matter involving important people."[63] After his release in 1968 Abdullah tried to justify Pakistan aggression in 1965. In one of his statements he said that Pakistan would not have resorted to infiltration if the Indian Government had not closed all doors on negotiation.[64] Pakistan was left with no alternative except to break open the door.[65]

[59]Chalmers M. Roberts in the *Washington Post*, 27 September 1965.

[60]*New York Herald-Tribune*, 28 September 1965.

[61]*Le Monde*, Paris.

[62]K. Rangaswami in *The Hindu* of 15 July 1968.

[63]*Statesman*, New Delhi, 14 December 1969.

[64]*National Herald*, New Delhi, 10 August 1963.

[65]*Statesman*, New Delhi, 7 June 1968.

CHAPTER TWELVE

ABDULLAH AND THE FUTURE

TIME, EXPERIENCE, and another armed conflict between India and Pakistan made little difference to Abdullah. His release in January 1968 was hailed with the same enthusiasm as in 1964, and he began to sing the same old songs again. His views on Kashmir, he said, had not changed even after fourteen years of detention.[1] As in the past he began to lay down conditions for his concept of a settlement of the problem.

First, he would never barter away the honour of India and Pakistan in his search for a solution.[2] Evidently, he had little conception of what each country considered its honour, the honour of the aggressor and the honour of the victim of aggression, the honour of a theocretic military dictatorship and the honour of a secular democracy. A politician who saw no difference between the two States either did not know what he was talking about or had ulterior motives to which contradictions in his statements were irrelevant, for there are enough gullible people in every country who will believe almost anything.

Secondly, he urged, the formula for such a solution must be such that it does not create more difficulties.[3] This was unexceptionable.

Thirdly, it should not disturb the secular character and basis of India.[4] This was welcome, but then in the past he had violated this condition again and again, and only time would tell how far he was serious about it.

Fourthly, a solution must satisfy "India, Pakistan, Kashmir, everybody."[5] This was a tall order, but he soon made it clear

[1] *Times of India*, New Delhi, 3 January 1968.
[2] *Ibid.*
[3] *Indian Express*, New Delhi, 5 January 1968.
[4] *Ibid.*
[5] *Ibid.*

that in fact only one party had to be satisfied. "If the people of Kashmir are satisfied, it will be easy to satisfy Pakistan."[6] Were the people of Kashmir satisfied when he was Chief Minister of Jammu and Kashmir, and did that satisfy Pakistan? Every one knows it did not. How could then a mere recreation of the old situation settle the problem? When reminded that according to Jaya Prakash Narayan and Rajaji Pakistan had no *locus standi* in Kashmir, he said that he did not subscribe to that interpretation.[7] He also dismissed as unconvincing the argument that a settlement of the Kashmir question would not satisfy Pakistan which would continue to make further demands on India.[8] He had either not heard of Farraka or chosen to ignore it.

Fifthly, the problem could be solved either by force or by peaceful means. "Force is not a permanent solution."[9] But he had advocated force in 1964-65 and was to advocate it again. In any case, Pakistan whose cause he espoused believed in nothing else but force, otherwise Pakistan would have accepted India's offer of a no-war pact. Significantly Abdullah has not supported an unconditional no-war pact which India has been offering Pakistan for nearly twenty years.

Thus some of his conditions do not make any sense, being in mortal conflict with the facts. Others are in constant collision with his own impulses or mental reservations. One of the mysteries of Abdullah's career, ever since he steered his course away from his old loyalties and convictions, has been his refusal to say what exactly he wants. Oblique hints, furtive suggestions, vague references, obscure indications are all that one gets from time to time. Why? Years before independence came, the Indian National Congress had declared *Purna Swarajya* (Independence) as its goal. The Muslim League aimed at partition of India to create a separate State of Pakistan. Abdullah has not had the courage to come right out in the open and announce his political objective in a clear language. He has been equally non-committal about his methods. All this, in spite of a veneer of idealism, brands him as an opportunist. Is this vagueness due to comfortable illusions which he fondly nurses, or is it tactical? If it is the former, the glimmering

[6] *Ibid.*
[7] *Ibid.*
[8] *Hindustan Times*, 13 January 1968.
[9] *Indian Express*, New Delhi, 22 January 1968.

cobwebs should have been blown away by minor storms of his own creation. If it is the latter, it can only mean that he wants to have as many doors as possible, and all of them open for an immediate exit through the nearest, when necessary.

To take the methods first. While Pakistan has almost lost its enthusiasm about a plebiscite, Abdullah does not know whether to follow suit or not. Sometimes plebiscite is "only a method." There could be alternatives, for example, "free elections on this issue."[10] Another was to get a vote from the State Assembly "provided the elections to it are absolutely free." He was ready to fight elections but he must have "full guarantee that the elections will be free and fair."[11] Then he had second thoughts. At a public meeting in Baramula he explained what he meant by his readiness to participate in elections: he did not mean that elections could be a substitute for a plebiscite. What he meant was, he added, that until a plebiscite was held, there should be a people's representative government for which a fair and free election should be held.[12] Three weeks later he repeated his demand for a "free and fair" election in Kashmir so that, as he put it, people could get a "clean and representative" Government. The elections should be held in conditions which "completely rule out any influence or pressure," with an impartial authority to supervise them. Not satisfied with these conditions, he laid down another. The contestants should not be forced to subscribe to the oath of loyalty to the Indian Constitution.[13] In other words, Abdullah asked for all the facilities provided by the Indian Constitution minus the obligation to swear loyalty to it and the Indian Election Commission in which presumably he had no faith. This was another way of saying that the State of Jammu and Kashmir must be taken out of the framework and control of the Indian Constitution, if he was expected to contest the elections. De-accession of a sort first, then a "free and fair" election held under an impartial authority acceptable to the Government and Abdullah and someone of the standing of Jaya Prakash Narayan or Acharya Vinoba Bhave.[14] When he was Premier of Jammu and Kashmir he gave a demonstration of what he considered

[10] *Ibid.* [11] *Statesman*, New Delhi, 12 April 1968.
[12] *National Herald*, Lucknow, 15 April 1968.
[13] *Hindustan Times*, 8 May 1968.
[14] *Statesman*, New Delhi, 11 April 1968.

"free and fair" elections by a wholesale rejection of the nomination papers filed by Praja Parishad candidates during the 1951 elections.

To a British newspaper he made the suggestion that the Valley might be put under the rule of the UN for five years. A similar suggestion had been made by Pakistan in the past. It did not matter to either that the UN could not take over a member country's territory for temporary administration without a specific request from that country. Abdullah did not like Indian sovereignty in Jammu and Kashmir but found nothing wrong with abusing the freedom it allowed him to indulge in propaganda against it.

Finally, another condition which he proposed for a settlement, was a round table conference of the leaders of the three parties to evolve an agreed solution.[15] And yet he admitted that there was no escape for him from the obligations of the Indian Constitution. "I and not Sadiq was a signatory to it."[16] Nevertheless he and his lieutenant Beg not only boycotted certain by-elections but took action against those members of the Front who had taken part in the general election in defiance of the Front's call for a boycott. Again, it is clear that Abdullah has no interest in constitutional methods, that his objective is not cooperation or welfare of the people or communal understanding and goodwill or orderly progress, economic, political and social, but agitation, instability, conflict, disorder, which are also the dreams of Pakistan.

No less revealing than his view of method is his flirtation with elusive, tantalising hints and suggestions which he keeps throwing up and which he expects others to follow up and present as opening the way to a lasting solution. These are bewildering in their number and variety. Some of them are indiscreet and arouse suspicion by their indiscretion. But before they are examined, it is necessary to refer to what Jaya Prakash Narayan said about the limitations which had been imposed upon the problem by the Indo-Pakistan conflict in 1965. On 22 August 1966, Prime Minister Indira Gandhi had told the Lok Sabha that there was no change in Government policy as a result of a meeting between Jaya Prakash Narayan and Abdullah. According to Home Minister Nanda, Narayan's stand on the Kashmir question had changed since the Indo-Pakistan conflict.

[15] *Indian Express*, New Delhi, 20 May 1968.
[16] *Hindustan Times*, New Delhi, 1 June 1968.

He no longer considered Pakistan a party to the Kashmir question, it being a matter between the people of the State and India, and he had ruled out the issue of independent Kashmir.[17] As Narayan had understood it, what Abdullah wanted was full autonomy for Kashmir within the Union.[18]

In a series of meetings with American private groups and journalists in Washington in March 1968 Narayan emphasized the emergence of a new factor in the situation. After the 1965 Indo-Pakistan conflict, the Kashmir question could be settled only within the framework of the Indian Constitution and by Kashmir being part of the Indian Union. However, within this framework, Narayan advocated radical solutions including greater autonomy for Jammu and Kashmir within the Union and within the State itself, and autonomy for Jammu. This meant that, according to him, Pakistan had been ruled out of court and Abdullah's ideas about independent Kashmir or a confederation of India, Pakistan and Kashmir were equally airy and impracticable. However, he advised India to settle with Abdullah for any Kashmir solution.[19]

The first indication that Abdullah did not believe in autonomy within the framework of the Indian Union was given by himself. He refused to accept Narayan's view about Pakistan having no *locus standi* in Kashmir.[20] But for some time after his release in January 1968, he tried to be delightfully vague. His mind was not "blank," he assured everybody.[21] His lieutenant said that they had "some practical solutions" for the problem.[22] After these preliminaries, Abdullah began to drop hints, though carefully disguised. He denied a report that he was thinking in terms of a "condominium" over Kashmir, with the State enjoying internal autonomy.[23] At a public meeting in Delhi, he said he still visualized a united India! How could a man, so close to Pakistan, make a suggestion which is a nightmare to Pakistan leaders? Obviously there was more in it than met the eye. At the same public meeting

[17] *Statesman*, New Delhi, 23 August 1966.
[18] *Hindustan Times*, New Delhi, 8 September 1966.
[19] *Statesman*, New Delhi, 23 August 1966.
[20] *Indian Express*, New Delhi, 5 January 1968.
[21] *Indian Express*, 9 January 1968.
[22] *Statesman*, New Delhi, 20 May 1968.
[23] *Indian Express*, New Delhi, 9 January 1968.

he also said that he stood by every word of what he had said in his first address to the State Constituent Assembly in 1951 and by all his commitments until the time of his arrest in August 1953.[24] If this was so, what was all the bother about, and why did he not carry out his commitments? How could he, when India had gone back on its own, he answered, and, besides, what guarantee was there that he would not be arrested again, as he was in 1953, if he did go back to the position which obtained at the time of his arrest?

In other words, what he sugggested was that while he, as Chief Minister of the State, must be free to say and do what he liked, the Governor and the Union Government must have no such freedom. And what happens to the internal and external security of the State, the harmony and goodwill among the various communities, the needs of the defence forces? This also meant that he no longer believed in his thesis on there being three parties to the dispute, all of which must get together to evolve a solution in which none of them suffered defeat. According to his own showing the Kashmir people were satisfied with the constitutional position as it existed before his arrest in 1953 and to which he was prepared to go back without consulting them. This knocked the bottom out of his whole complex of complaints and grievances against the State and the Union Governments. With a sweep of his hand he threw into the wastepaper basket all his statements on accession being "provisional," on plebiscite, on elections, fair or foul.

What Abdullah forgets is that it is no longer easy for any Indian Government to accept his *bonafides* which he has done his utmost to undermine. After all this is not merely a question of a political leader willing to play the game again after having played foul on so many occasions in the past. If he is capable of going back on assurances, and he has already proved his capacity to do so, nothing will stop him from going back on a new assurance. He does not consider himself an Indian national, he woos Pakistan, he sees nothing wrong in accepting an invitation from China, he threatens minorities and incites the majority against them by rousing their anger with the aid of Islamic history, he has condemned India for "going back on commitments," for behaving like a "colonial" power, for putting down "freedom fighters" in Kashmir. How can any

[24] *Times of India*, New Delhi, 10 January 1968.

one rely on the assurance of such a politician? Plainly what Abdullah is after is power which, once attained, can lead to other objectives. If a State Chief Minister is determined to ignore the Constitution of India, sows the seeds of subversion, strikes at the root of the administration, and one fine morning declares the State to be an independent State as a step towards merger with Pakistan, or hails Pakistan invaders as "liberators," as Abdullah is quite capable of doing, he can plunge the whole subcontinent into the inferno of war. Let it not be forgotten that according to ex-President Ayub, Abdullah and Beg at their meeting with him in Rawalpindi had left "me in no doubt that their future was linked with Pakistan." Even Abdullah has not tried to claim that he was fooling the Pakistan President. Abdullah never contradicted Ayub's claim which at one blow destroys all his solicitude for India, its secular principles, his concern for the minorities, and his devotion to Indo-Pakistan friendship.

But this sort of thing helps in gathering friends and advisers. A Marxist leader disclosed that during his talk with Abdullah he received the impression that the Kashmir problem could be solved if the State was given "full autonomy" with external affairs, currency and defence looked after by the Centre.[25] If a way was found, said Abdullah on another occasion, to solve the Kashmir issue within the framework of the Indian Constitution, then it should be explained what sort of relationship if would be.[26] He knows full well that Pakistan will never cooperate in finding such a way. Besides, Kashmir could become part of India only when India "won the hearts of Kashmir's five million people."[27] Thus he stood by accession, the Delhi Agreement, all that he had said in his address to the State Constituent Assembly, and much else, but like the eel it slipped through one's fingers when he laid down conditions which India must fulfil. When his attention was drawn to his own reported statement that he might like a status for Kashmir similar to that of the Ukraine or Bhutan, Abdullah said: "I am not committed to any solution. Whatever brings peace to the entire Indo-Pakistan subcontinent is acceptable to me."[28] Was it?

[25]A.K. Gopalan in *Hindustan Times*, 10 March 1968.
[26]*Times of India*, New Delhi, 28 March 1968.
[27]*Statesman*, New Delhi, 27 April 1968.
[28]*Statesman*, New Delhi, 1 June 1968.

On arrival in Srinagar on 4 April, he referred to India and Pakistan being under the erroneous impression that if they reached a compromise, the Kashmir problem could be solved. For hundreds of years, he added, the Moghuls, the Pathans, the Sikhs and the Dogras had "turned Kashmir into a pleasure ground and treated Kashmiris like chattels."[29] Prime Minister Indira Gandhi cleared the air by denying having exchanged any letters with Abdullah suggesting a greater measure of autonomy for Kashmir on the lines of India's relations with Bhutan or Sikkim. Home Minister Chavan described Beg's claim that Abdullah had rejected an offer of greater autonomy made to him by the Prime Minister as utterly baseless. No such offer had been made to Abdullah at any time by anyone. "I may assure you that there is no question of departing from our position that Kashmir is a part of India." Beg himself denied that Chavan or anyone else had offered autonomy for Kashmir."[30]

Sometimes he suggested stabilization of the cease-fire line if the people of Kashmir were prepared to accept it,[31] only to turn round and declare that he was opposed to the division of the State, being in favour of fair and equal treatment of all communities. The regions of Jammu and Kashmir, including Ladakh, should be given a sense of real participation in the management of their affairs.[32]

At the same time he characterized the Jammu autonomy move as an "Indian imperialistic game designed to disrupt the unity of the State."[33] Blessed with the gift of being all things to all men, he has no difficulty in shedding glory on any proposal or snuffing it out.

Having ruled out independence as a solution in his inaugural address to the State Constituent Assembly in 1951 and having reaffirmed his stand on that address more than once, he began to oscillate between ambiguity and clarity on the issue. He had his own view of independence for Kashmir and a confederation of India, Pakistan and the State. At Patna he said: "Nature has created India, Pakistan and Kashmir as part of one geographic unity and it is unfortunate that the sub-continent had to be partitioned as a matter of political expediency."[34] Indira Gandhi promptly squashed

[29]*Times of India*, New Delhi, 6 March 1968.
[30]*Statesman*, New Delhi, 2 March 1968. [31]*Ibid.*
[32]*Hindustan Times*, 11 March 1968.
[33]*Ibid.*, 27 April 1968.
[34]*Statesman*, New Delhi, 26 January 1968.

the woolly idea. There was no such thing as a Nehru plan for Kashmir she disclosed; the author of the confederation idea was Rajagopalachari.[35] Beg dragged a new herring across the trail by his suggestion about the Kashmir Constituent Assembly convened in 1951 was not being competent to decide the issue of the State's accession, a view which made nonsense of Abdullah's own address to the Assembly.[36]

Sometimes he wanted "a place of honour in the world" for the people of Kashmir. When asked whether this meant an independent Kashmir, Abdullah took shelter behind his address to the Jammu and Kashmir Constituent Assembly.[37] There he had discarded this possibility on the ground of the State being too small, not being viable, and being independent when it was attacked from Pakistan in 1947. As far as he was concerned, he knew the State could not be independent "but if India and Pakistan felt that way and guaranteed it, it could be a solution."[38] Partition was a big mistake and many things had happened which increased distrust between India and Pakistan. But the basic fact remained that the two countries "are complementary to each other."[39] Partition took place because the Muslim minority feared that its "big brother" would not protect it. The country was indivisible. Even today floods in one country affected the people in the other. The problems were common.[40] There could be a hundred and one suggestions to solve the Kashmir problem and "it is not a crime to advocate an independent Kashmir."[41] The future of India and Pakistan was interlinked and their interests were common. "This subcontinent cannot be defended well by one country."[42] President Ayub Khan might well have been uttering these words, for like Abdullah he also insisted on the settlement of the Kashmir question before there could be any talk of a joint defence.[43]

[35]At a meeting of the Congress Party Executive, *ibid.*
[36]*Ibid.*, 29 February 1968.
[37]*Ibid.*, 28 March 1968.
[38]*Indian Express*, New Delhi, 11 January 1968.
[39]*Statesman*, New Delhi, 18 January 1968.
[40]*Times of India*, New Delhi, 6 March 1968.
[41]*Times of India*, New Delhi, 7 March 1968.
[42]*Indian Express*, New Delhi, 20 May 1968.
[43]For details, see author's *Pakistan-China Axis*, Asia.

As general interest in Kashmir was flagging, Abdullah decided to call an "all parties" convention to which he invited leaders of all political parties, including like-minded intellectuals. Jaya Prakash Narayan was invited to inaugurate the convention under Abdullah's chairmanship. No leader of any important party attended the convention and a delegation of 47 members whom he had invited from Pakistan-occupied Kashmir was refused entry by the Union Government, and rightly because in these matters one can never be sure whether the visitors from Pakistan are coming to discuss political questions or organize subversion and sabotage, the memories of 1965 being still fresh.

Inaugurating the convention in Srinagar on 10 October, Jaya Prakash Narayan repeated what he had said earlier. "Whether one likes it or not, the Indian nation-State, also a haphazard creation owing to the tragedy of partition, has its geographical boundaries demarcated. India is no more prepared than Pakistan, or for that matter any other nation-State willingly and peacefully to let any part of the country break away on any plea whatever. Let this fact be duly appreciated." No doubt military means could be used to enforce the right to self-determination, but a breakaway part of a nation-State was never likely to achieve its end or maintain it for long by such means—unless it was helped by other powerful nation-States for their own selfish ends. However, such a possibility was entirely irrelevant because he was not aware that there was anyone present who advocated a military or violent solution. Small States, continued Narayan, despite the noble aims and principles of the UN Charter were helpless pawns in the game of power politics of big States. These were unpleasant but inescapable realities. He therefore asked the delegates to understand clearly that "after the 1965 conflict, no Government of India can accept a solution that places Kashmir outside the Union of India.... Statesmanship on your side requires that you should adapt your policy and programme to suit the facts of the situation. To ignore them will only mean further tension resulting, so far as your people are concerned, in frustration, uncertainty and misery."

The Sarvodaya leader advised the Kashmiri leaders to accept this position, convince the people of the State, and start a dialogue with the Government of India for "a special position" for Jammu and Kashmir within "the framework of the Union." Questions like the

constitutional status of the State within the Union and a guarantee that that status would not be unilaterally altered should be reserved for discussion with the Government of India representatives at the conference table. Such a course would even draw those leaders of the State who had kept away from the convention to join forces with the convention leaders. He also said that all those who loudly proclaimed that Kashmir was an inalienable part of India should feel deeply concerned over the persistent discontent in the Valley. If the situation was allowed to drift further and Sheikh Abdullah continued to be ignored, extremism would keep on growing apace.[44]

Next day the man who would have everybody believe in his mission of peace reacted violently to Narayan's utterances. Addressing a public meeting at which Narayan was pressent, he asked the people to "do or die to achieve the freedom of Kashmir." He said he would like to tell the Sarvodaya leader "in plain words and through him the Indian nation that it is our faith that freedom cannot come as a matter of gift but it has to be wrested....The question is not whether the Indian Government wants to give us anything. What is important is that if Kashmiri's want to achieve anything, they will have to do so through their strength. The other alternative before them is to get effaced from the earth....Freedom will not fall from the skies. It will come from hundreds of young men who get hanged from the scaffold." While he spurted these words in anger, it was clear that emotion had got the better of his tactics. At the same time this emotion tore away his mask of appearing to be reasonable, peaceful, dedicated to communal harmony, and a disciple of Mahatma Gandhi, whose name he frequently takes and whose message he rejects in practice.

"If we have the strength," he went on, "we will achieve freedom, otherwise we will perish. This is the end." Not satisfied with these threats, he asked Jaya Prakash Narayan to uphold "our right." He said Indira Gandhi might lose power if she supported this right. But Jaya Prakash Narayan had nothing to lose and he should declare openly that "no solution of the Kashmir issue is possible if India and Pakistan are not included in the settlement....There are only two ways—either through war or by negotiations." He did not appear to be quite sure how many parties should solve the problem.

[44] *Statesman*, New Delhi, 11 October 1968.

Sometimes it appeared that even India and Pakistan did not matter. "The fate of Kashmiris would be decided by Kashmiris alone. If they are told today that circumstances have changed and the commitments cannot be fulfilled, they will not trust anybody. It is a fraud."[45]

At the convention he spoke as if Jaya Prakash Narayan had not inaugurated it at all, clothing the Pakistan case in his own language. Circulating copies of his article which he had contributed to an American journal, he drew the attention of the delegates to a report of an eight-member committee set up in May 1953 by the Working Committee of the National Conference to go into the Kashmir question. This Committee consisted of Sheikh Abdullah, Bakshi Ghulam Mohammed, Maulana Masoodi, Mirza Afzal Beg, G.M. Sadiq, Budh Singh, Girdhari Lal Dogra, and Shamlal Saraf. The Committee, according to him, proposed a number of "possible alternatives" for a solution. These were: (*a*) overall plebiscite in Jammu and Kashmir; (*b*) independence of the whole State with joint control of foreign affairs (by India and Pakistan); and (*c*) the Dixon Plan with independence for the plebiscite area (Kashmir Valley). According to the article, Sadiq was of the opinion that "if an agency consisting of India, Pakistan, Afghanistan, Soviet Russia, and China could be created to supervise and conduct the plebiscite, I would suggest that we should immediately ask for an overall plebiscite. Failing this we may ask for a supervision commission representing all members of the Security Council for ensuring a free and fair plebiscite in the State." Abdullah said that some of these sugestions could still be considered. The Dixon Plan, he added, denied to the areas other than the "Valley and adjoining areas" what was conceded in the case of the Valley and its adjoining areas.

Not surprisingly he suppressed what Sadiq had to say on the subject when he raised this issue in his correspondence with Sadiq in 1956 when Sadiq was President of the Kashmir Constituent Assembly. Abdullah proposed in his address that the important thing was to get all parties concerned—India, Pakistan, and Jammu and Kashmir —round a table, and preferably with the help of a mediator, approach the problem with an open mind, consider all these alternatives and by a process of elimination accept a "solution" which would by and large meet the just and legitimate aspirations of the people of the

[45] *Statesman*, New Delhi, 12 October 1968.

State "conceding to them the substance of their demand for self-determination but with honour and fairness to both Pakistan and India."[46]

It was clear that what he was suggesting was an independent Kashmir or, as his utterances and conduct suggested, an independent Kashmir as a preliminary to merger with Pakistan. In anger he had dropped his guard and exposed his true intentions. Even Jaya Prakash Narayan could not help saying that he would have been happy if Abdullah had said what he wanted to say at the public meeting somewhat differently.[47] Tactically Abdullah had blundered and next day he tried to mend his fences. While he did not rule out Narayan's suggestion, "we cannot take dictates (*sic*) from anyone."[48] In his presidential address he suggested mediation which Nehru had rejected in 1962 when it was proposed by the late President Kennedy. In twent years Abdullah had failed to produce a solution acceptable to Jammu, Ladakh, the Valley and the Union Government, or even before his arrest in 1953, one acceptable to India and Pakistan. On the contrary some of the suggestions he now advocated had served as targets for his criticism before 1953. India and Pakistan themselves have not been able to agree to any proposal. And yet he expects that if the three paries meet a settlement will result by magic or that even if he and the representatives of the Union Government could meet the problem would yield to solution.

What happened at the convention was only a part of the picture as painted not by Abdullah and his lieutenant Beg but by Pakistan. The timing of the convention was noteworthy. Originally, the convention was due to be held on 29 September. Then the date was changed to 10 October. Arshad Hussain spoke in the General Assembly on 4 October to which Minister Bhagat replied on 5 October. Speaking in the General Assembly again on 11 October, Arshad Hussain expressed Pakistan's willingness to take up all outstanding disputes including Kashmir either "as a package deal or according to a step-by-step procedure."[49] Significantly only a day earlier had Abdullah addressed the convention in which he proposed a

[46] *Statesman*, New Delhi, 12 October 1968.
[47] *Hindustan Times Weekly*, 13 October 1968.
[48] *Ibid.*
[49] *Statesman*, New Delhi, 13 October 1968.

round table conference. Abdullah was thus no more than a cog in the Pakistan machine. As the Pakistan Foreign Minister stated in New York, his country was consulting permanent members of the Security Council for a UN debate on Kashmir. Pakistan tried to agitate the matter in the UN General Assembly; Abdullah tried to agitate it in Kashmir, hoping that what he said would help Pakistan.

This was not the first time that Pakistan and Abdullah acted in unison, synchronizing their moves. When Pakistan raised the issue in the Security Council in January 1957, its diplomatic missions circulated all over the world a letter written by Abdullah which had been smuggled out of jail. The letter which was addressed to members of the Security Council made a series of charges against India, one of which is reproduced below.

> India has repeatedly claimed that Kashmir is fast progressing and that the political uncertainty has ended. Nothing can be farther from truth—Kashmir is at present ruled by monstrous laws which have crippled all political and social life in the State and paralysed all progress.[50]

After his release in January 1968, Abdullah and Beg met the Pakistan High Commissioner from time to time, and Abdullah gave a farewell party to Arshad Hussain before his departure to take over his appointment as Pakistan's Foreign Minister. Recently when Abdullah was asked whether Pakistan had given any money to the Plebiscite Front, he turned round and asked why he should not accept financial assistance from those who sympathized with his case. Previously Abdullah used to deny having received any assistance from Pakistan.[51] In view of this admission, his earlier appeals for recruits for the Front assumed more than an ordinary significance. The appeal was addressed to "Muslims" to be disciplined and to "spread the network of Plebiscite Front to every village in Kashmir. . . .People should await instructions of the Plebiscite Front and go through its programme carefully."[52] The convention and his earlier statements in which he kept on raising the political tempera-

[50] Reproduced in *Dawn*, Karachi, 20 January 1968.
[51] See K. Rangaswami's article in *Hindu*, Madras, 15 March 1968.
[52] *Hindustan Times*, 15 March 1968.

ture, formed part of a plan to revive world-wide interest in the issue. The fact of the matter was that India had shut the door firmly, and said so. Pakistan was knocking at the door from outside, Abdullah from within. The objective was to open the door somehow or other.

Unfortunately for him the convention if anything helped in jamming the door more tightly. Sensing that he had gone too far and that there was opposition to his proposals, particularly to the proposal for independence, even among some of the delegates, Abdullah changed the tune. Assuming a posture of sweet reasonableness, Abdullah addressed the gathering on the last day of the convention. He said: "I do not propose any agitational approach, not even satyagraha. After all India and Pakistan are our own brothers. We can convince them once we come to an agreed solution among ourselves, also keeping in view the interests of minorities. I have never liked decisions by brute majority....We cannot survive without security in the sub-continent....We must come out of our rigid grooves and prove ourselves worthy of Gandhi, who saw a ray of light in Kashmir." He said the convention "must arrive at a common denominator considering all the opinions expressed before it and then convince the people" of the validity of its solution.[53] According to the convenor of the convention, several Muslim participants were for continued accession to India. Both Muslim and non-Muslim delegates had laid emphasis on the preservation of Kashmir's composite culture and communal concord. No one had advocated a communal approach to the problem.[54] Only two speakers out of over two hundred advocated accession to Pakistan. To Mir Waiz Farooq, chief of the Awami Action Committee, a pro-Pakistan party, a more important party to the dispute was Pakistan because of its long border with the State of Jammu and Kashmir. This argument was answered by a member of the audience who was heard to say that by Farooq's logic the whole of the Indo-Pakistan subcontinent stood mortgaged to neighbouring countries including China.[55] The exercise of the right of self-determination, said Prem Nath Bazaz, could not be absolute where communal passions had been aroused and the life and property of religious minorities were

[53] *Patriot*, New Delhi 18 October 1968.
[54] Prem Nath Bazaz in *Statesman*, New Delhi, 2 November 1968.
[55] Abdul Aziz, *The Convention: An Analysis*, New Kashmir Publications, New Delhi.

in danger.[56] A notable development was the unanimity with which all delegates emphasized the importance of the composite culture of the people of the State and secular principles which ensured communal harmony. Thus the faith of the people in religious and cultural co-existence which has been a remarkable feature of their history and values reasserted itself once again pointing to the road which their destiny has chosen for them.

In May 1969 the steering committee of the State People's Convention adopted a resolution asking for the widest possible decentralization of power among its constituent units, in a new constitution, without jeopardising the integrity of the State. Another resolution recommended the division of the State into three administrative units—Kashmir, Jammu, and frontier areas as they existed before 1947. Once this was done, observed Abdullah, it would be possible to deal with the future set-up of the State.[57] Was it another step towards an independent Valley? Subsequently a sub-committee of the Convention proposed that each of the three administrative units should have a sub-legislature besides a central legislature for the whole State.[58] The objective was obvious—to throw the existing constitution in the melting pot and keep the controversy alive.

Opening the second Convention in Srinagar on 8 June 1970, Abdullah repeated his usual points—no solution could last unless it brought about lasting peace, the proposed resolution should strengthen secular forces both in India and Pakistan, communal harmony should flow from such a solution to ensure stability and progress, and so on. Representatives of a Muslim communal organization, Jamaat-i-Islami, caused a slight flutter over the words "secular democratic forces" to which they objected, provoking counter-objections from some other quarters.[59] The Pakistan point of view was presented in a paper received via London. As one newspaper put it, Abdullah tried "to square many circles."[60] The conflict over the word "secular" was resolved by the steering committee by defining secular democratic forces as "such forces as stand for equal rights to members of all religious persuasions."[61] This is already

[56] *Ibid.* [57] *Times of India*, 16 May 1969.
[58] *Ibid.*, 1 June 1969.
[59] *Ibid.*, 9 June 1970.
[60] *Ibid.*, 11 June 1970.
[61] *Ibid.*, 14 June 1970.

provided for in the Constitution of India. Here the steering committee was forcing an open door. A few representatives walked out.

Abdullah informed the convention that the steering committee would consider all the 62 "solutions" and the ideal solution would be presented at the next Convention. According to Beg, the resolution had kept "the door open for Pakistan, India and independence."[62] Farooq, chairman of the Awami Action Committee, rejected independence.[63] The convention was attended neither by the State Congress Party nor by the National Conference. The Convention was not even a nine days' wonder.

Is Abdullah really a problem? This is a question which must be answered. There are those, although in a minority, according to whom it would be a folly to assume that there is no Kashmir problem or to ignore Abdullah. There are others, who are in a majority, and who are equally convinced of there being none, least of all Abdullah. Abdullah himself draws attention to three parties—India, Pakistan, and Kashmir—none of which can be bypassed. Not that he is very clear on this issue. Sometimes he would have others believe there are only two parties, India and Pakistan, or India and Kashmir, or Kashmir and Pakistan. One thing is clear from his statements—it is not Kashmir that is one of the parties but Abdullah. Even if the three parties are assumed to exist, what is their status? It so happens that they are not equal in importance. Apart from legal or constitutional considerations, they are unequal in their powers, resources, and political importance. To begin with, the *bona fides* of Abdullah, who claims to be a party, are not above suspicion. His political loyalties are subject to violent fluctuations. In consequence, his popularity and influence have declined. True, his meetings attract crowds, but so do those addressed by Kashmir leaders in power. Even if India makes it up with him, nobody is so gullible as to imagine that this will satisfy Pakistan. As it has already been mentioned, there was a time when Abdullah and Delhi thought and acted together, but this did not make the slightest difference to Pakistan which not only denounced Abdullah but continued to agitate the matter, with the help of the USA and Britain, in the Security Council and outside. Strictly speaking, he is

[62] *Ibid.*

[63] *Ibid.*, 22 June 1970.

not, therefore, a party. Pakistan exploits him because Pakistan finds him useful, but if tomorrow Abdullah leaves the Pakistan camp, its leaders will denounce him again and with greater venom. Whatever his nuisance value may be, Abdullah is a blank cartridge, a spent force, a paper tiger. Any leader who has the gift of the gab can incite a crowd to violence by appealing to its religious feelings. Abdullah is no exception. "The story of Sheikh Abdullah is a story of the patriot once passionately devoted to the people's welfare, but whose patriotism was too shallow to reject the temptations of power. Once a fighter, he turned into an opportunist and, worse, a dictator who at the end found himself entangled in the web of his own methods and policy."[64] This estimate made several years ago still holds good.

Mrs Indira Gandhi, Prime Minister, has never conceded that Abdullah is the central figure in Kashmir. Speaking on accession she said: "The people of Kashmir themselves have taken a stand on this. That is more important than what I can say on that. But our stand also remains the same."[65] Over two years later, while addressing a public meeting in Srinagar, she made it clear that Kashmir's accession to India was part of history. History, she added, was not a school child's slate on which something could be written and then wiped off. Freedom of expression was guaranteed in a democracy but no one would be permitted to misuse or abuse that

[64] Josef Korbel, *Danger in Kashmir*, Princeton University Press, Princeton, 1954, p. 207.

The view of Gen. L.P. Sen, then Acting Brigadier 161 Brigade in the Valley, is no less interesting. "From an individual who had initially evinced keen anxiety regarding the safety of the State and its people, as the military situation improved he had become obsessed with his own importance. His interest had veered from the tackling of the many pressing problems which had demanded his undivided attention and time, to the building up of his popularity with the masses." Writing about the State Government move to Jammu in the winter of 1947-48, he reverted to the subject in another part of the book. "Bakshi was definitely unhappy at the thought of being away from the Valley for what would be a lengthy period, but Sheikh Abdullah gave me the impression that he was not going to be boxed up in the Valley, and he more or less insisted on Bakshi accompanying him. Jammu and Kashmir is admittedly one State, but Kashmir had suffered a severe blow from the raiders, and Sheikh Abdullah would have been wiser not to leave the Valley and its people at a time when they required all help, guidance and alleviation" (*Slender was the Thread*, Orient Longmans, New Delhi, pp. 139 and 160).

[65] *Hindustan Times*, 6 January 1968.

freedom. Her Government would not allow anyone anywhere to wreck the Constitution.[66] On 22 December, Mrs Gandhi struck a note of warning again, this time in Jammu. With Abdullah and Plebiscite Front in mind and the forthcoming mid-term poll she said: "We hear that some people plan to enter the Assembly with the help of the Constitution with a view to wrecking it. It is true we have been off and on amending the Constitution. But the provisions which relate to India's unity, solidarity and fairness will never undergo any change. Therefore, any plan which preaches or schemes for secession will never be tolerated."[67]

Those who advocated meaningful talks between Abdullah and Delhi imagined that if the two came to an agreement, all the fuss would be over. If past experience is to be relied upon, there was no ground for such a belief. Abdullah is not a constructive politician, he is singularly innocent of any political programme, and totally devoid of a capacity to carry it out. To put any money on him is to lose it. Just as he shifts from one proposal to another without any embarrassment, just as he has abandoned position after position in his political career, advocating and renouncing policies, he will not stand by any agreement. He has stood by none in the past.

For most politicians the step to violence is a short and easy one. Of this practice Abdullah provides an admirable example. When towards the end of 1968 civil authority in Pakistan began to crack and crumble under the continuous poundings of a students' movement which politicians promptly used as a bandwaggon, Abdullah could not let such an opportunity go. For four months after the convention he kept his mouth shut. In the last week of February 1969 he opened it, emitting flames. Drawing attention to what was happening in Pakistan, he urged the young men of Kashmir to get organized and disciplined. "There are only two courses open to you—either achieve the right of self-determination or perish."[68] Thus, four months were long enough to forget Gandhi, the security of the subcontinent, satyagraha, and fraternal ties with India on which he had waxed eloquent in his closing address to the convention.

No less significant was his warning that if proprietry rights were

[66] *Times of India*, New Delhi, 16 July 1970.
[67] *Ibid.*, 23 December 1970.
[68] *Times of India*, New Delhi, 28 February 1969.

granted to non-Muslim refugees in Jammu, there would be violence.[69] As subsequently disclosed by the Home Minister in the Lok Sabha, Abdullah while warning the State Government that it was playing with fire, had not spared the Government of India to which he attributed a desire "to play a bloody drama here."[70] The apostle of peace, non-violence, and communal concord was back again singing the hymn of hate and vengeance, revealing himself as a fanatic and a demagogue to whom nothing mattered but political power. The youth of Kashmir ignored his call and Sadiq while regretting his utterance made it clear that no threat to law and order would be allowed.

When the collapse of civil administration in Pakistan seemed imminent, Beg announced at a press conference in Srinagar that the Plebiscite Front would reconsider its decision to boycott elections in Jammu and Kashmir if dates were extended by three months.[71] The move was shrewd no less than revealing. It was shrewd because, if accepted, it would immediately establish in the minds of the voters the power and influence of the Front. It was revealing in so far as it showed the Front postponing its reliance on Pakistan for the time being. Above all it showed a change in tactics, as revealed by Abdullah who told an audience on 28 March that this would not mean any modification of their basic right "to remain with India, join Pakistan or become independent."[72] Abdullah also suggested that the Congress candidates should sing the praise of India; if others should be "equally free to say that Kashmir should join Pakistan. India has no right to say that Kashmir is an integral part of India."[73] In other words, Abdullah's idea was to treat elections as a Trojan horse, to disguise subversion as cooperation.

On 29 March, Beg asked the Election Commission to agree to postpone the by-elections. In view of the conditions they had laid down, the Commission turned down the request. An "election within the framework of the Constitution," pointed out the Commission in its reply to Beg, "cannot be used as a device to subvert

[69] *Ibid.*, 7 March 1969.
[70] *Ibid.*, 7 March 1969.
[71] *Ibid.*, 25 March 1969.
[72] *Hindustan Times Weekly*, 30 March 1969.
[73] *Times of India*, New Delhi, 5 April 1969.

that Constitution. A candidate who has made and subscribed an oath of allegiance to the Constitution to uphold the sovereignty and integrity of India, and the party by whom he has been set up cannot constitutionally, legally, and morally say or do anything in the course of an election campaign and propaganda which may tend to disrupt that sovereignty and integrity." Even then the Commission was prepared to reconsider the matter on receipt of a suitable reply to its letter.[74]

A few months later, Beg expressed the view that the Plebiscite Front candidates would take the oath of allegiance to the Indian Constitution in the spirit of Article 370 under which "Indian laws," as he put it, extended to the State were of "provisional nature."[75] In March 1970 Sufi Mohammad Akbar, Vice-President of the Front, put a further gloss on it. An oath would be taken under the existing Constitution, he said, with a view to "changing it later," just as Nehru and Jinnah had once taken an oath of allegiance to the British Crown in assuming office before independence."[76] He conveniently forgot that a constitution to be framed by a Constituent Assembly formed part of the British declaration.

If Abdullah is not a party, is Pakistan? It cannot be denied that Pakistan claims to be one, and there are individuals in India who believe this is so. The suggestion is that until Pakistan accepts a settlement, there can be no permanent solution. This is obviously not possible unless a settlement brings reasonable satisfaction to Pakistan. In twenty years the best brains in India and Pakistan, much more the talent in the United Nations, however politically infected, have not been able to devise such a solution. If anything the position has hardened into granite. In the circumstances, to expect that agreement will emerge without either party surrendering to the other, is to nurse a vain hope. In the moment of her greatest weakness, after suffering a military reverse in the armed conflict with China in 1962, India refused to surrender to Pakistan,

[74] *Ibid.*

[75] *Ibid.*, 15 June 1969; also 1 July 1969.

[76] *Times of India*, New Delhi, 25 March 1970. As early as September 1968 Abdullah had revealed his mind. When asked whether he would be prepared to take an oath of allegiance to the Constitution, as required under the law, he replied: "The question of fair elections also includes cancellation of this requirement [oath]." *National Herald*, New Delhi, 11 September 1968.

which on its parts has done everything except to agree to a realistic settlement. No mediator has been able to help. Since the issue is one of Indian sovereignty over thousands of square miles of its territory, arbitration is ruled out of court. In the modern world no arbitrator is free from political influence or pressure, as the Kutch award has already demonstrated.

Pakistan prides itself on its being an Islamic State and has claimed Jammu and Kashmir on the ground of religion, even by misrepresenting the principles which governed partition. Its contention that India was divided on a religious basis has no foundation in fact, for had this been the case there would have been no cause for referendum in the North-West Frontier Province which was predominantly Muslim or for a reference of the issue to the legislatures in the Punjab, Sind and West Bengal when the composition of population in everyone of these provinces was well known and the result was a foregone conclusion. Besides, in such an event no ground would have been left for any Muslims remaining in India or for any non-Muslims remaining in Pakistan. Undoubtedly the State of Pakistan is based on religion and the religious appeal which it continues to make to the Muslims of Kashmir has an important bearing on the issue, for it is an incitement to bigotry and intolerance which can only breed violence and disruption. This explains why the appeal is made.

This also explains why Pakistan insists on discussing the Kashmir question with India, in spite of the two aggressions it has committed on Indian territory, in both of which it was worsted by the Indian Army, preventing it from seizing the State by force. By doing this Pakistan has sought to give the issue a religious complexion and to keep it before the public eye in Kashmir. Since 1947 it has described its aggression in Kashmir as jehad or holy war, has forcibly converted non-Muslims in the area under its unlawful control to Islam, and described its armed infiltrators into the State on 5 August 1965 as Gibraltar Forces, an inexplicable title, until it is recalled that Gibraltar is named after the Arab General Jabar-ul-Tariq who on landing in Spain had all his ships destroyed to prevent any retreat by his troops. The name for the operation was, therefore, intended to fire the imagination of the invaders with religious zeal bordering on fanaticism. They were also described in Pakistan as mujahids or crusaders.

All these facts have an important bearing on an issue of policy. Every time the Government of India expresses its willingness to discuss Kashmir with Pakistan, it plays into the hands of that country so far as the issue of secular democracy versus theocracy is concerned. Residents of Kashmir, as of Pakistan, cannot help feeling that the Indian Government's willingness to negotiate with Pakistan is expressed with the full awareness of Pakistan having rejected India's faith in secular democracy and of India having accepted, or at least connived at, Pakistan's faith in theocratic principles in settling Indo-Pakistan disputes, let alone the two aggressions committed by Pakistan. If the matter was academic, it would not matter, but Pakistan takes special pains to emphasize that the issue in Kashmir is religious. The result is a confusion in the public mind in Jammu, Ladakh and the Valley, apart from a feeling of popular uncertainty with consequent instability in the administration.

Willingness to discuss the so-called Kashmir question with Pakistan without pre-conditions is certainly a demonstration of India's faith in peaceful methods of settling international differences. Academically, it does not alter the basic realities in any manner, since at any future discussion Pakistan will explain its stand, while India will have no alternative but to set out its own position, as it has done so many times in the past, without improving the prospects of agreement. But as a matter of fact, such willingness has an unsettling effect on internal conditions in Kashmir, on Sino-Indian relations, and on Indo-Pakistan relations. It does suggest that things are fluid once again and that the door is open after all for altering the existing constitutional position of the State. To anti-social elements an excuse is provided for organizing agitation, and even Abdullah and his colleagues feel they have a part to play.

Time and again this has been demonstrated in the past. By 1962, for instance, the Kashmir issue was dead and buried and yet the joint talks forced upon India by the UK and the USA in 1962, weakened the social and political stability which had been consolidated over the years in the State. All the three Powers, the UK, the USA, and China tried to twist India's arm, each in its own way and each for its own purpose. Although the joint talks broke down, there was a point in Bhutto's claim that they had established the existence of a dispute between India and Pakistan. Similarly,

after Pakistan aggression in 1965, no ground was left for any discussion with Pakistan on Kashmir, for Pakistan's sole object in resorting to force was to annex the State or failing that to force India and the Security Council to reopen the issue, an objective which India successfully challenged in the Council. The Tashkent Declaration which both signed does not hold out any hope of a solution, for differences it has recorded are insurmountable.

Therefore any suggestion that the issue can still be discussed with Pakistan, Abdullah or anybody else will merely keep the sore running and is an invitation to political agitation and instability, neither of which has any justification. The time has come to treat the issue as closed, once and for all, and to make a declaration to this effect, so that no adventurer can take advantage of any prevailing sense of uncertainty and exploit it for anti-national purposes. Sadiq has hit the nail on the head by his view that Indo-Pakistan goodwill cannot be purchased at the cost of Kashmir.[77] Once it becomes known that the State and the Union Government are adamant on the issue, the dust will settle down and artificially revived controversies will yield to constructive endeavour to raise the people to higher standards of light and living. Equivocation and wavering have a particularly disastrous effect on people's faith in their Government in the State. After all in what way are secular forces strengthened by India discussing the Kashmir question with Pakistan?

Further development of secular democracy in Kashmir, therefore, raises issues of fundamental importance. India does not have to take a new decision. The decision has been there and, what is more, is public. All that is required is to free it from any ambiguity which may have attached itself to it as a result of multiplicity of announcements in different circumstances. In this regard Prime Minister Indira Gandhi's statements during the past year have greatly cleared the air.

The status of India and Pakistan may change as a result of a sudden eruption in the field of international relations. This is a contingency which can upset the best of relations among neighbours whether they are divided by a dispute or not. If Pakistan wishes to seize the State by force, that is something which nobody

[77] *Statesman*, New Delhi, 22 March 1968.

can prevent, and if Pakistan chooses to take the risk, it must also face the consequences.

It is thus clear that of the three parties mentioned by Abdullah, one is bogus and another so insatiable that nothing can be done with it except to deal with it when it takes to force. A large country like India cannot be on tenterhooks all the time. Government leaders are already moving in the right direction. The time has come to remove all ambiguity from the simple fact that the State of Jammu and Kashmir is Indian Union Territory, and that India is not prepared to consider any proposal which casts any doubt on it. This would naturally mean a refusal to participate in any debate in the Security Council on Kashmir except for the recovery of that portion of the State territory which Pakistan has annexed.

CHAPTER THIRTEEN

A TEST AND A SYMBOL

KASHMIR IS at once the test and symbol of India's secular democracy. It is a symbol because as it has already been stated it is the only State in the Indian Union with a Muslim majority. It is a test because the co-existence of this majority with other minorities in fruitful cooperation opens the way to a new vision of human relations free from the poison of sectarian conflict. It needs to be remembered that the majority community in the State is a minority in other parts of India, and the minority in Jammu and Kashmir is a majority in the rest of the country. Thus, linguistically and culturally the State is interlocked firmly with the other parts of the Indian Union. As long as religion is the dominant consideration in political affairs, contention and conflict is inescapable, for, by taking the form of bigotry and intolerance, religion advocates exclusiveness, mutual suspicion, and distrust. This sets up tension which explodes into violence from time to time—and violence shatters human relations. Here is, therefore, a challenge which has to be met no less in Kashmir than in other parts of India.

No other State in India has been treated with greater consideration. Partly because it is a frontier State and partly because of its being threatened by China in the east and by Pakistan in the north and west, both occupying a substantial part of its area, it has been extended aid and assistance out of all proportion to its size, population, and economic needs. Of total plan expenditure of Rs 1,068.12 million ($142.41 million) between 1951-52 and 1965-66, as much as 86 per cent was accounted for by assistance from the Union Government, the highest percentage assistance received by any State of the Indian Union.[1] Politically, it was agreed that the State should accede to India only in regard to defence, external

[1] *Jammu and Kashmir Commission Report, 1968*, Appendixes 6 and 7 also p. 24. See Appendixes 5 and 6.

affairs, and communications. For years it continued to enjoy this position, levying its own customs duties and its citizens paying no income-tax to the Union Government. Many Central Acts relating to education, health, mines and industry did not apply to the State which was not subject to the jurisdiction of the Supreme Court, the Accountant General of India, the Election Commissioner of India, and the like.

All this was done mostly in the name of autonomy as if residents of Kashmir did not need the amplitude of freedom guaranteed by the Constitution of India or social, economic, and political change the tide of which had begun to flow in other parts of the country. In the early stages, there was perhaps some justification for such an attitude, for the State was faced with various problems of its own, arising from Pakistan aggression. But, obviously, there was something wrong with this attitude of mind which Abdullah encouraged and which in the long run could only tend to weaken the State's relations with other States of the Union and with the Union itself.

When in consequence the State lagged behind in the general race for development in the country, the picture began to change, though slowly. In all federal constitutions, the federal authority tends to assume more and more power with the passage of time, for planned development of agriculture, industry, communications, and defence on a unified and coordinated basis all over the land becomes otherwise impossible. Kashmir was no exception to this characteristic of federal constitutions which has also been noticeable in the USA and other federal States.

There are two schools of thought on whether the State should or should not have surrendered more authority to the Union Government. One school of thought, led earlier by Abdullah, would have every one believe that such a process erodes the internal autonomy of the State and tends to destroy its special position in the constitutional hierarchy of the country. According to this view, Kashmir should not swim with other States in the mainstream of national life but plough its own furrow, maintaining its distinctive position, a State apart, clearly distinguishable from other States in its autonomous rights and disproportionately few obligations, though resting confortably within the Indian Union. Such a view seems to carry the suggestion that there is some peculiar but vital advantage

to be gained by the State remaining autonomous, an advantage which is likely to be lost, to the great misfortune of its people, if Kashmir, like other States, were to integrate with the Indian Union.

The advantage, if any, cannot be in the field of defence, foreign affairs and communications, three subjects covered by the Instrument of Accession. Neither is there much to gain to turn down the advantages offered by planned development which inevitably necessitates greater control by the Central Government, particularly considering the State was one of the most underdeveloped States of the Union. Greater production in agriculture, mines and industry as part of an all-India plan of economic development, involving massive financial assistance from the federal authorities is not something to frown upon. The economy in Kashmir was backward and apart from its revenue from forests and tourists and its handicrafts, little attention was given to farming, small-scale industries, and mineral resources. The revenues that it yielded to the Centre were insignificant compared with the heavy financial assistance it received.

As Sadiq[2] has pointed out, greater autonomy does not necessarily mean greater political freedom, much less economic freedom. This was proved during Abdullah's own tenure as Chief Minister when the State enjoyed substantial autonomy but fundamental rights were denied to the people.[3] Was there freedom of speech and association in the State 15 years ago, he asked on another occasion. Then those who expressed discordent views were not tolerated and were even dubbed as "enemies."[4] Even in the Delhi Agreement the State's position on fundamental rights was left delightfully vague. Draconian laws enacted by the hereditary Maharaja against whom he had struggled were on the statute book and were freely used by Abdullah. There was a considerable number of people who were detained without trial.

Another difficulty faced the Union Government. As a member of the United Nations and its specialized agencies, India, by signing international conventions, has to assume responsibilities in regard to its entire territory. These conventions necessitate legislation in order to prevent abuses. Here, for example, was a conflict between

[2]Ghulam Mohammed Sadiq, Premier of Jammu and Kashmir.
[3]*Statesman*, New Delhi, 22 February 1968.
[4]*Statesman*, New Delhi, 24 March 1968.

Abdullah's preference for autonomy and India's international obligations which arise out of the subject of external affairs surrendered by the State to the Centre under the Instrument of Accession.

Curiously part of the opposition from Abdullah was to fundamental rights without which the freedom of the subject would be empty and without any meaning. With the development of mineral resources in the State, for instance, it became necessary to introduce modern labour legislation to prevent abuses. India is bound by the I.L.O. conventions which apply to the whole territory of India.[5] Similarly it becomes necessary to legislate in respect of medical and other professions. All-India medical services lead to progress and increased efficiency and the coordination of professional standards in different parts of India. No suppression of human rights is involved in these changes; on the contrary legislation protects fundamental rights and provides adequate safeguards against their abuse.

Again, in the interests of improving economic conditions in the State and for modernizing the various departments of the administration, the Centre may find it necessary to assume more power. It is essential, for example, to have a proper audit of the accounts and audit department of the State by an independent official like the Auditor-General of India, lest those in charge of revenues of Kashmir should play ducks and drakes with the people's money. Similarly the abolition of customs barrier helps trade and commerce and tourist traffic and prevents needless delays in the passage of goods between Kashmir and other parts of India. Various other changes might be necessary to promote tourist traffic which is a major source of revenue to the State economy.

Participation of Jammu and Kashmir in all these processes is a modern method of ensuring orderly economic development which is beneficial to all the people of the country. The imposition of the authority of the Supreme Court of India over the State, to take another example, safeguards the fundamental rights of the citizens. Since fundamental rights in the Constitution of India have been applied to the State by the Jammu and Kashmir Constitution, a recent judgement of the Supreme Court of India on the subject is

[5]On 9 November 1970, the Lok Sabha passed a Bill seeking to extend to Jammu and Kashmir 19 Central Labour Welfare laws, including provisions of the Workmen's Compensation Act of Minimum Wages and Payment of Bonus Acts (*Times of India*, 10 November 1970).

of special interest. The Chief Justice of the Supreme Court said: "It will, therefore, be seen that fundamental rights are given a transcendental position under our constitution and are kept beyond the reach of Parliament." At the same time, added the Chief Justice, Parts III and IV which constitute an integrated scheme forming a self-contained code is made elastic so that all the Directive Principles of State policy can reasonably be enforced without taking away or abridging the fundamental rights.[6] According to this judgement, it would seem that Parliament cannot change even through a constitutional amendment, the fundamental rights of the citizen guaranteed to him in the Constitution. Although an attempt is being made to modify this constitutional position, it remains to be seen what the ultimate result will be.

To object to the measures explained above is to espouse inefficiency, arbitrary acts of politicians and adventurers, absence of independent supervision, low and conflicting standards, and lack of uniform practice. No government of Jammu and Kashmir could guarantee the same amplitude and reality of fundamental rights which constitute the substance of the freedom of the subject, as the application of the fundamental rights under the Constitution of India to Kashmir has done. But for the restoration of these rights in 1968 when the emergency necessitated by Chinese invasion of India in 1962 was ended, Abdullah might still be in detention under one of the old laws of the State. Abdullah's opposition to the so-called integration is, therefore, neither democracy nor even efficiency, but autocratic rule in feudal conditions little distinguishable from the administration of the previous Maharaja whom he opposed and whose hereditary rule was ended by the Constituent Assembly of Jammu and Kashmir. Besides, the interests of no community were damaged by the extension of Central control over the State: in fact, all communities profited by it. The principles of secular democracy in which Abdullah believed were in no way affected by this development. If anything they were strengthened.

The only other reason which the opponents of the extension of Union control over the State might advance is perhaps the fear that this may erode in some way the advantages which Muslims as a

[6]Golaknath's case. The new Government, under Mrs Indira Gandhi, brought into power as a result of the mid-term poll, has introduced a Bill to amend the Constitution to get over the difficulty presented by the judgement.

majority enjoy in the State. Progressive erosion of Article 370 of the Constitution of India which determines the State's relationship with the Union Government, it may be argued, would bring the State in line with other States of the Union, thereby destroying the special privileges which its residents, mostly Muslim, enjoy. As already explained, this view, in terms of social and economic development, is an illusion. In fact, what is claimed to be an advantage, is a serious handicap, for it prevents prosperity and progress. No one who has the slightest acquaintance with the economic conditions in the State can deny that the revolting poverty in which the people lived, for example in the Valley and Ladakh, is no longer an eyesore.

This is not surprising because the total planned investment in the State up to the end of the third five-year plan amounts to Rs 1,068.18 million ($142.41 million), exclusive of Central expenditure on federal scheme and services, including defence and communications. In consequence, the mileage of all kinds of roads which was 1,161 before the first five-year plan rose to 3,226 of motorable roads and 1,674 of unmotorable roads. The number of vehicles in the private sector increased in number from 1,872 before 1947 to 6,325 in 1964-65. Again, little development is possible without power. The total installed capacity in 1947 for a population of three million was only 4,000 kw. The capacity today is tenfold and all principal towns including Leh have been electrified. Several thermal and hydroelectric projects are in hand, three of which scheduled to be completed within the next three years, will increase power generation by 40,000 kw. The installed capacity is already 27,500 kw. Jammu and Kashmir is the first State in India which decided to transfer land to the tiller. Consequently, about 0.4 million acres, representing one-sixth of the total cultivated area, were given to the tillers in ownership right, free from any encumberances. Today Kashmir exports fruit worth Rs 10 crores as against fruit worth Rs 400,000 before 1967.[7] The quantity exported in 1965-69 was 62,526 tons.[8]

[7]Ghulam Mohammed Sadiq, the State Chief Minister, *Statesman*, New Delhi, 12 May 1968; see also *J & K Commission Report, 1968*, Ch. IV. Some facts taken from *Kashmir: Survey of Progress in Less Than Two Decades*, Directorate of Advertising and Publicity, Government of India, Delhi. *Times of India*, New Delhi, Supplement on Road Transport, 11 November 1970.

[8]*Times of India*, New Delhi, 15 August 1969.

A major break-through has been effected in the field of social services. Under a policy of imparting free and universal education, literacy has increased by 10 per cent. The number of primary and basic schools which was 1,239 in 1947-48 has risen to 5,635 and of high schools from 44 to 422, of arts and science colleges from 5 to 18, of industrial training institutions and polytechnics from nil to nine, and professional colleges from nil to six. The number of women's educational institutions has gone up from 181 to 785. In the field of health, per capita expenditure has arisen elevenfold since 1947. The number of dispensaries having risen from 217 to 514, health centres from nil to 53, hospitals from 10 to 20, and the number of hospital beds from 250 to 3,814. Progress has also been made in providing facilities like drinking water, housing and relief to weaker sections of the population.[9] There is a doctor for every 6,000 persons.[10]

In other words, more economic development has taken place in the State in twenty years than in several previous centuries. In the face of these facts, it cannot be suggested that the extension of Central authority to the State has been a retrograde step. The results are reflected in the higher standard of living of the people and in the average life expectancy which before 1951 was 32 years and which rose to 47 in 1963. The per capita income in 1950-51 was $38 but in 1963 it was already $53. On 20 January 1969 the Prime Minister revealed in Rajya Sabha that the per capita income was Rs 341. These developments carry their own justification.

What is it then to which Abdullah objects? The objection may be against the change in nomenclature of the Sadar-i-Riyasat and the Prime Minister who are now designated as Governor and Chief Minister, as in other States of the Indian Union. The change in no way affects the status and powers of these offices under the Constitution of Jammu and Kashmir, except that the Sadar-i-Riyasat is no longer an elected office.[11] Or is it to the extension of

[9]*Kashmir: Survey and Progress in Less Than Two Decades*; also *J and K Commission Report, 1968*, pp. 38-9, 41. For breakdown of budgetary resources in 1950-61 and 1965-66, see Appendix VII. For education, see Appendix VIII.

[10]Sadiq in *Times of India*, New Delhi, 8 June 1971.

[11]Abdullah had admitted as much himself in his reply to Dr Shyama Prasad Mukherjee's letter dated 9 January 1953. Quoted in Balraj Puri's *Jammu: A*

President's rule to the State in the event of a breakdown of internal law and order? If so, there is little justification for it, for in 1963-64 when the holy relic disappeared from Hazrat Bal, the Action Committee, which consisted of members of opposition parties, pleaded for suspension of the Constitution of Jammu and Kashmir, demanding President's rule and investigation of the theft by Central agencies. Nothing proved the need for the extension of necessary provisions of the Constitution of India to Jammu and Kashmir more than these developments.

Even then the Central Government took more than a year to take a decision. Besides, the State legislature undertook special legislation for the purpose and the Government of India took no action until the elected Government of the State asked for it. Also no occasion has arisen thus far for the use of the new powers which the Union has assumed and which, incidentally, also apply to other States of the Union. Even in 1965 when Pakistan committed fresh aggression in the State, the administration of the State continued under its own Government and there was no imposition of President's rule in the State. There is nothing to show that the decision taken at the request of the State Government has in any way affected the position of the majority community of the State or in any other way reduced it to a lower status. After all there can be no freedom, political or economic, if the security of the State is threatened from within or without, and it is futile to suggest that the extension of Articles 356 and 357 of the Constitution of India to the State has brought about a radical change in the State to its disadvantage, unless it is meant that the reality of freedom is proved only if there is an accompanying risk of a breakdown of the machinery of government without any immediate remedy being available.

This still leaves the possibility of the Muslim majority of the State suffering in some other way if the State's autonomy is brought in line with similar autonomy enjoyed by other States of the Union. What would happen, for instance, if the composition of the popu-

Clue to Kashmir Tangle, New Delhi, 1966, p. 101: "Regarding the election of Sadar-i-Riyasat, you perhaps forget that the governors of other States are also appointed with the consultation of the State Governments, we have extended this right to the legislature. While you prefer English designation of 'Governor', I fail to understand why the Hindustani nomenclature of Sadar-i-Riyasat should be objected to."

lation was changed to the disadvantage of the Muslims or if the definition of the State subject was modified to permit the influx of outsiders who might buy the tillers out of their agricultural land, thereby reducing the State farmers and tillers to a position of slavery and eventual extinction.

Curiously the only party which has hitherto taken to a course that has reduced the number of Muslims in the State is Pakistan. In 1947-48 when Pakistan nationals and the Army invaded the State, a number of Muslims lost their lives in the hostilities. In the end a cease-fire line divided the State into two parts, the northern and western area occupied by Pakistan with a population of a little over a million and the remainder under the administration of the lawful Government of Jammu and Kashmir with a population of a little under three million. In this process a large number of Hindus and Sikhs were killed by the Pakistan Army and tribesmen, and others were forcibly converted to Islam, with the result that not a single non-Muslim is to be found in Pakistan-occupied Kashmir. In contrast, not a single Muslim was converted to Hinduism or Sikhism under the lawful Government of the State. Thus, if any party attempted to alter the composition of the State population, it was Pakistan.

The proportion of non-Muslims to Muslims at the time of the cease-fire was one to two in the area administered by the Jammu and Kashmir Government. According to the census of 1961, the total population of the State in the area under its lawful government increased from 2.9 million to 3.5 million. Of this the Muslims accounted for 2.4 million and non-Muslims 1.1 million. Thus the proportion let alone being reduced to the disadvantage of the Muslims, rose in their favour. It is clear that the composition of the population in the area under the direct control of the lawful Government suffered no change for the worse. The Muslim majority not only remained as it was at the time of the cease-fire, with the cease-fire line dividing the State into two population groups, but increased somewhat.[12]

In 1965 when Pakistan committed another aggression, the Jammu province was a major scene of hostilities. It is impossible to tell how many Muslims and non-Muslims lost their lives as a result of

[12]For distribution of population by religion see Appendix IX.

Pakistan bombing, shelling and gun fire, not to mention the reprisals to which the people were subjected by the invaders. No reliable figures will be available until the 1971 census report is out. Refusal of the local people to cooperate with the Pakistan infiltrators brought on their heads the vengeance of the invaders who set villages on fire and shot up innocent people seeking safety in flight. In view of these facts it would be surprising if there was no change in the composition of the population. Pakistan claimed to have in its refugee camps residents of Jammu and Kashmir who, it asserted, were uprooted during the fighting. It is impossible to tell how far this is true. In a sense, apart from deaths, little difference is made to the question so long as a person living on either side of the cease-fire line satisfies the law governing State subjects. This is clear from the Constitution of India, according to which all such subjects are Indian nationals, and the Constitution of Jammu and Kashmir in which provision is made for reserving twenty-five per cent of the seats in the legislative assembly of the State for the residents in the area at present living under the unlawful occupation of Pakistan. The number of seats reserved is based on population. While this is the constitutional position, it does not follow that the Government of Jammu and Kashmir is bound to receive every refugee from Pakistan-occupied Kashmir without the strictest screening arrangements in order to ensure that Pakistan nationals or infiltrators do not smuggle themselves into the State. In any case, the fluctuation of population figures cannot be attributed to India which is the protecting authority but only to Pakistan which attempted to seize the State by force.

The only basis for fear which still remains to be examined is the rights enjoyed by the State subjects under the appropriate Acts and Regulations of the State. The subject is dealt with in Part VI of the Constitution of Jammu and Kashmir. According to a State Act of 31 January 1927 the hereditary subjects of the State are defined as follows: "All persons born and residing in the State before the commencement of the reign of Maharajah Gulab Singh Bahadur and also persons who settled therein before the commencement of Samvat 1942, and have since been permanently residing."

The importance of this definition will be clear from a circular issued earlier by the ruler to all departments of his government.

This circular states:

> The Maharajah Sahib Bahadur has been pleased to direct that in future no non-State subject shall be appointed to any position without the express orders of His Highness in Council in each case. Each such proposal shall be accompanied by a full statement of reasons in writing as to why it is considered necessary to appoint a non-State subject qualified and available for the appointment proposed. In like manner no scholarships or training expenses of any kind should be granted to non-State subjects. His Highness has also directed that any infringement of this order will be very seriously dealt with. His Highness the Maharajah Sahib has been pleased to inform you that in future all grants of land for agricultural and house-building purposes and grant of house and other State property shall be made to State subjects only, and every proposal to make a grant shall be accompanied by a written statement setting forth the reasons for doing so. It should be made clear to all concerned that any disobedience of these orders will be dealt with very severely and no exception will be made.[13]

The definition of the hereditary State subject still stands and although the Government of Jammu and Kashmir offered land, for example in Jammu, to industrialists to set up factories with a view to creating employment for State subjects, the rights of hereditary State subjects are, for all practical purposes, intact, since the definition of a hereditary State subject affects the Muslims, nothing has happened so far to abridge these rights. Agricultural land, for instance, has not passed from Muslim State subjects to non-Muslim State subjects, nor to any outsider.[14]

[13]Prem Nath Bazaz, *Inside Kashmir*, Kashmir Publishing House, Srinagar, 1941, p. 85.

[14]An official bill on permanent settlement of refugees in the Jammu and Kashmir Legislative assembly sought to confer on Government the right to acquire land after paying compensation in terms of the Land Acquisition Act. Abdullah objected to it on the ground that this would change the composition of the population to the detriment of the Muslims. The objection was baseless because, as Sadiq pointed out, not only had the refugees been in occupation of land since Abdullah's days of power, they were permanent residents of the State. See Sadiq's statement in the *Times of India*, New Delhi, 6 April 1969. The Bill fell through on technical grounds, but was reintroduced and

In this respect the citizen of the State enjoys a unique position. As a citizen of India he possesses, as other citizens of India do, all the fundamental rights for which provision has been made in the Constitution of India. He can thus reside and settle in any other part of India. He cannot be discriminated against in respect of any employment or office under the State. He has a right to acquire, hold and dispose of property and to practice any profession or to carry on any occupation, trade or business in any part of the country. In addition, he enjoys property and other rights in his own State under the State Constitution which are not available to citizens from other parts of India.

It is thus clear that those who hold the view that the federal government should have as little to do with Kashmir as possible, have no case either on the basis of the State's requirements in modern conditions, particularly in a federation, if its claims, as for instance, made in the memorandum on New Kashmir, to raise living standards, provide employment, remove glaring social inequalities, and prevent discrimination, are to have any meaning, or on the basis of facts as analyzed above. If anything, the unique position which the State subjects continue to enjoy is not basically affected in any manner.

It may still be argued that certain symbols like the National Conference flag have sentimental value, and should not therefore be replaced by a new flag or that for similar reasons the designation of Sadar-i-Riyasat or Prime Minister should not have been altered. Sentimental value attaches to symbols and institutions which have long been in existence. No such considerations applied to these designations. Again, the designations may have sentimental value for historical or political reasons. In this case, there was no special historical reason, and besides political reasons change. As for party flags, when a party decays, the flag can hardly continue to be sacrosanct. After all the sentimental value attaching to a symbol is not inherent in that symbol but is only a measure of the regard in which it is held by the people. If a political party is discredited in the eyes of the public, the paraphernalia of symbols and institutions, which are its concomitants, lose their importance and sentimental value, if they have any. Political parties come and go, as their flags

passed on 5 April 1971, thus ending the insecurity from which 200,000 people had suffered since 1947 when as a result of Pakistan aggression they had migrated across the cease-fire line.

and other symbols. Similarly Abdullah has no more interest in the National Conference which he founded and which he subsequently betrayed. His view of the office of Sadar-i-Riyasat may not also be the same considering his dismissal by the Sadar-i-Riyasat in 1953.

Thus whether Abdullah objects to the curtailment of the State's internal autonomy within the framework of the Constitution of India or to the State being brought in line with the other States of the Union, he can hardly claim that what the Centre has done is arbitrary or opposed to the interests of the State subjects. On the other hand, it is Abdullah who appears to be opposed to their interests, to the march of time and the security of India as a whole. A politician has a right to change his loyalties, but if the future of a State were also to change at the same time, it would be a State for Alice in Wonderland, not for the realization of New Kashmir of which he was the dreamer.

Recently the whole question has been examined by a commission of inquiry. Arguments were repeated before the commission both for repealing Article 370 and for retaining it. Those who favour its continuance argued that if the Article was repealed, it might raise nice questions of constitutional law as to the effect of such a step on the Constitution of Jammu and Kashmir, and might create, in the present circumstances, new tensions in the mind of the majority community in the Valley. The opponents of this view urged, among other things, that since no other State had an independent constitution of its own, the existence of an independent constitution for Jammu and Kashmir had an adverse, if indirect, effect upon the process of complete integration of the State with the Indian Union.

"We have given anxious consideration to this problem," observed the Commission. "We think that at present it would be inadvisable to recommend that Article 370 be abrogated. Keeping in view the progress which has already been made over the years in the integration of Jammu and Kashmir with the rest of India, we feel that it would be prudent to leave it to the Government and the people of the State of Jammu and Kashmir themselves to decide when this Article should be abrogated."[15]

The Commission also considered the demand for a larger measure

[15] *J and K Commission of Inquiry, 1968*, pp. 78-9.

of autonomy for the State within the Indian Union. No such demand was made before the Commission directly by any party from Jammu and Ladakh. Even among the parties from the Valley that appeared before the Commission only one or two brought up the subject. Some participants at the Kashmir State People's Convention, held at Srinagar in October 1968, made such a claim, but to the Commission it seemed "reasonable to conclude that the demand for a larger measure of autonomy for the State does not have the support of a substantial section of the population even of the Valley and has received little, if any, support from Jammu and Ladakh."[16] The Commission expressed the view that even conceding that such a demand might give rise to certain tensions in the region, it was one of those internal problems which arose between the Union Government and constituent States and in which no third party could have any *locus standi*. "The Centre-State relations which have emerged as a result of the fourth General Election held in 1967 have posed the question whether the Constitution of India should be amended to confer larger authority on the constituent States. Some of the State Governments have been pleading for a re-examination of the relevant provisions of the Constitution with a view to conferring greater authority on the States. It seems to us that if the Union Government decide to consider this question in the context of the newly evolving pattern of political life in the country, the case of the Jammu and Kashmir State should receive due consideration along with that of the other constituent States. Even in that event, as we have just indicated, the best way of dealing with such a problem in a democracy is to evolve appropriate conventions and traditions."[17]

Contrary to earlier expectations, neither Abdullah nor Beg appeared before the Commission, and the Plebiscite Front decided not to cooperate with it.

[16]*Ibid.*, pp. 81-2.
[17]*Ibid.*, p. 82.

CHAPTER FOURTEEN

PROBLEMS OF PROGRESS

THE SURVIVAL, and even more so further development, of faith in secular democracy will depend on two factors—the firmness with which the State Government carries out its policy through an administrative machinery designed for the purpose, and the relationship between the Central and State authorities.

Lawrence assigned two reasons for the maintenance of religious tolerance in the State. "In the first place, the strict prohibition of kine-killing removes one of the principal causes of ill-feeling, and, in the second place, the strong rule under which the people have lived for generations would not brook any quarrelling between Hindus and Musalmans."[1] Kine-killing is not a live issue in the State. But the need for a strong rule is, and in this respect the history of past twenty years may have much to reveal.

When Abdullah was in power there was nothing that he could not do and there was nothing that he could do wrong. All the traffic moved in one direction. Step by step the Centre agreed to the enlargement of his powers and the diminution of those of the ruler, and even its own. The administration was feudal, modern methods of work were alien to it, and it was hardly equipped to deal with the sudden demands which were made on it by Pakistan aggression and the resultant dislocation of life and economy in wide areas. Corruption was the life-blood of various departments in which non-Muslims were over-represented with the result that there was hardly anything in common between the ruler and the ruled. No modern land revenue system existed, and State expenditure was not subject to independent business-like audit. Recruitment to the services based on sound principles of selection was unknown. The judiciary was not independent. Methods of work in the Secretariat were outworn,

[1]Lawrence, *Valley of Kashmir*, p. 286.

marked by passivity and slowness hard to beat.

Abdullah and his colleagues who took the reins of office in their hands had no experience of administration. Some of them possessed drive and initiative and a capacity for organization but they had to learn on the job. The problems facing the State were baffling and urgent. Essential articles like cloth, sugar, salt, oil, and rice were in short supply. The railway link with the State was gone, as was one of the two road arteries, e.g. one from Rawalpindi to Srinagar. Hostilities frightened tourists away, dealing a terrible blow to the entire economy. Porters, pony owners, boatmen, shopkeepers, craftsmen who produced beautiful things in wood, papier mache, silver and wool, hoteliers, fruit and vegetable sellers, hawkers, lorry drivers, and so many others, were dependent mostly on tourists. What is more they had to earn, as they have to do today, not only enough for the summer when the tourists come, but also for the winter when the Valley is locked in snow and blizzards.

Besides, villages and towns had been burnt by Pakistan marauders and there were thousands awaiting rehabilitation. So many things cried for immediate action—transportation and communications for restoration, roads and houses for reconstruction, empty houseboats for visitors, handicrafts for markets, idle labour for work, timber for buyers, apart from needs of education, health, nutrition and employment which had been neglected for years. General poverty in the Valley and Ladakh was indescribable, most people living not far above the level of animals, unwashed and going about in filthy tatters.

With its own resources stretched to the limit by the movement of millions of refugees across the Indo-Pakistan border in the north of the sub-continent together with the consequent breakdown of law and order, railways and communications, health and other essential services, not to mention the strain thrown on the Indian economy by hostilities with Pakistan, India was called upon to come to the help of the people of Kashmir. There was no all-weather road from Pathankot to Srinagar, and the cart road from Jammu to Srinagar which had to climb to the Banihal Pass was subject to frequent land slides. Supplies to the troops presented formidable problems. Almost everything would have to be sent from India which was suffering from acute shortages resulting from the Second World War under the strain of which its railways, telephone and telegraph,

and its textile industry had suffered serious wear and tear, plant and machinery and equipment which were urgently needed not being available for want of foreign exchange.

In these circumstances one would have imagined that experienced administrators from the Central and State Governments would have taken over the administration of the State and geared it up to meet its new requirements. It is true that all-India services had been broken up by partition and were themselves in need of reorganization, apart from the fact that highly trained civil service staff was required to meet the pressing needs of the administration in other parts of India. But even then the reservoir of experienced personnel was large enough to satisfy the needs of Kashmir where the position was much worse because the State had never known a civil service of any kind.

Had such a step been taken, it would have introduced modern methods of administration in the State, long before any five-year plans were taken in hand, and prepared the people to look at their social and economic problems not in an academic, doctrinaire or agitational fashion but with a sense of realism and with due regard to the need for sustained application and a united, disciplined effort. For the people had been used to a draconian regime and malicious gossip for centuries and they had a strange, backward looking but arrogant view of the State and their own place in it, particularly in relation to the outside world. Struck by their intelligence, Gopalaswami Ayyangar used to describe the Kashmiris as Madrasi Brahmans of the North. There was an awareness of the need for overhauling the entire life of the people which for centuries had been no better than a cesspool stirred up by adventurers from time to time, but there was no awareness of the means by which this was to be done. There was much talk about New Kashmir but hardly a word about the administration without the help of which no such programme could be translated into reality.

Lawrence had foreseen the danger though not the magnitude which it finally assumed, for he could not have had a prevision of the partition, the Pakistan aggression in Kashmir and the aftermath. He writes:

> The isolation of Kashmir, which in former days was practically cut off from communication with India in the winter, has, from the

days when the valley passed into the hands of the Mughals, been an important factor in the history of the people. It placed them at the mercy of short-lived governors, ignorant of their language and customs, who worked their will on the Kashmiris regardless of the policy of the courts of Delhi, Kabul and Lahore, and looked upon Kashmir in the same light as in which the Roman proconsuls regarded Africa. The dependence on the whims and idiosyncrasies of foreigners of brief authority, coupled with the fact that the Kashmiris never knew how long the rule from which these strange governors drew their power would last, has had a powerful influence on the character of the people, and there is a strong and hereditary disbelief in the permanence of institutions and in the benevolence of rulers. Perhaps no country furnishes so curious a record of constant change as Kashmir, and it is a matter for surprise that under rapid transition of governments, varying in race, religion and language, the people of the valley should have retained their peculiar nationality unimpaired.

He admitted that there was much room for change "but the revolution which will follow the more rapid communication with India is one which will require wise guidance and most careful watching."[2]

Lawrence feared the impact of rapid communications on the life and character of the Kashmiris. He could not have visualized the impact of many other factors—a political struggle for freedom, a sudden attack by a neighbour in the name of religion, the abrupt removal of a despotic ruler, a free government, the power of the vote, education, easy travel, the powerful influence of the printed word, broadcasting and films, and the undreamt of opportunities for making quick money. Foreign governors would no longer come and go. Power would reside in popular representatives. The awareness that the people could make and break governments would usher in a revolution not on the surface but in depth. Local products would find a sub-continental market accessible by rail, road and air, and its tourist traffic to the State would set up unbelievable records, constantly bringing new winds blowing into its mountain fastness,

[2]Lawrence, *op. cit.*, p. 203.

bringing its people, hardened by unchanging custom, into contact with new ideas and dreams.

Political leadership in the State, though largely instrumental in bringing about these developments, was unable to foresee the results. For this it would not perhaps be fair to blame Abdullah and his colleagues too much. Political parties in other parts of India have fared no better. They had learned the art of rousing the people to action against authority but not the art of extracting from them sustained disciplined effort for national development. The administrative machinery, as it existed in the State, was something new to the National Conference leaders, and they had no idea of how to gear it to the objective they had in view. After the invasion of the State from Pakistan, political leadership was more interested in dramatic changes which would make people open their mouths in wonder, but this was done with an eye more to propaganda than to sound and carefully prepared schemes intended to free the people from the suffocating embrace of the past and to open their eyes to new horizon and a new awareness of the possibilities of united, disciplined strength for relieving them of the intolerable curse of poverty.

Even when it hit upon measures which could be counted upon to fire the imagination of the people, they were taken so carelessly—some say with ulterior motive—that the effect was lost in the flutter of buntings and the noise of slogans. The abolition of big landed estates could have infused a new spirit into the people but while it undeniably made some impact, it embittered the landlords in Jammu. It was like providing a sumptuous feast to a starving man. Political leadership not only received no gratitude for what it did but was confronted with new and formidable problems, one of which was an expectation aroused among the people for something new and sensational all the time for which the people should not be expected to make any sacrifice. Thus residents of Srinagar must have rice at the lowest possible price, jobs must be created no matter how, tourists must be provided, even when boatmen, hawkers, and shopkeepers cheated them, and no question asked.

All this gave an unrealistic twist to policy and administration. When little room was left for sensational adventures in the economic field, the political domain offered many opportunities for fireworks. Such a policy could only lead to friction, frustrated hopes and

instability. No attention was paid by the State Government to the selection and recruitment of staff or to the need of dividing the work of government into manageable departments. The accursed practice of flattery and corruption continued and nothing was done by new leaders to put an end to it. Officers and staff hung around Ministers' bungalows for hours without doing anything. What is worse the staff also dabbled in politics, seeking favours or creating divisions among the Ministers who, if they did not encourage the civil servants in this obnoxious activity, saw, at any rate, little objection to it.

On all matters requiring major political or administrative decisions, top leaders of the National Conference dealt directly with the highest echelons of the Government of India. The channel between the State and the Centre at the administrative level in spite of numerous meetings between officers of the two Governments was thus tenuous and nothing could be done to shore up the State administration or turn it into a dynamic instrument of service for the public good. Had this been the other way about, the first to reap the harvest would have been the National Conference and its government.

Thus a vicious circle was set up. The people at large expected a ripe plum to fall into their mouth every day or what came to the same thing, the leaders felt the need for a plum to maintain their position. The leaders of the State Government objected on the one hand to any interference by the Centre, even if the so-called interference was no more than the reorganization of a shattered system which even at the best of times had been rickety and was out of date. At the same time Abdullah and some of his colleagues expected the Government of India to take the lid off the box so that extravagance in expenditure which produced little result of any consequence could continue unchecked. Meanwhile, he declared from time to time that the Kashmiris were not beggars, that they would prefer to live on a crust of dry bread to depending on occasional crumbs from the Centre, and that Kashmir could be converted into a Switzerland of the East. He expressed concern for the minorities in other parts of India when he did little himself for the minorities in the State. What is worse, he aroused their worst fears, thus forfeiting their confidence and support.

And so Abdullah moved from extravagance to extravagance, the

Ministers were divided, the people failed to learn any respect for team work and continued to exploit their gift for intrigue, while the administration developed for a feudal ruler was harnessed to the needs of a socialist State. In other words, the Centre had all obligations but hardly any rights—the obligation to defend the State, maintain its communications, feed its population, provide tourists, help with financial assistance, and provide other facilities which the State might ask for. On the other hand, Abdullah had only rights and no obligations. And the people saw little difference between the two. To make matters worse, he kept up tension between the constituent units of the State—between Ladakh and the Valley on the one had and between the Valley and Jammu on the other. This created not only new problems for him but also for the Centre which had an elected Parliament to face. All this irritated public opinion in India.

It was plain from these developments that the Centre's decision to play a passive role in the internal policy and administration of the State was a costly mistake. Subsequent Governments in the State continued to follow the technique which Abdullah had developed, namely to maintain a channel for the continuous flow of funds and services from the Centre to the State. In fact the channel was widened, if anything. No one could object to it if the funds were put to good use and the State's economy was placed on a self-renovating basis. But graft and corruption attained higher levels, some of the State enterprises had to be wound up, and investment in industry failed to produce any dividends. In the countryside few people knew that the millions of rupees being spent on development came from the Centre, and little attempt was made by the Government of Jammu and Kashmir to bring this fact home to the people, as it is done in other parts of India by newspapers, journals, broadcasting and Governments' own machinery for disseminating information. As under the administration of Abdullah, emphasis was laid on personality or personalities instead of on a policy or programme. To some extent this is inevitable in a democratic State, but in Kashmir it was carried to absurd lengths. People looked up to the Chief Minister rather than to the administration, because the latter inspired confidence neither by its efficiency nor by its honesty. The preponderance of non-Muslims in the services was reduced which was a welcome sign of restoring the balance. A number of

political workers were appointed to key positions, in some cases with disastrous consequences. On the other hand, endemic slovenliness continued in the services and the administration, neither to the benefit of the Government nor to the advantage of the people.

Abdullah's frequent tours in the countryside had forged a valuable link between the people and policy, but as time passed the tours diminished to a mere daily walk to the Kashmir Club for a game of cards. Bakshi, who succeeded him in August 1953, was more energetic and unsparing in his work, but he developed a one-man rule under which anyone and everyone could go to his house to seek redress or help. Undoubtedly, this did some good, for those ignored or opposed by the administration had no other way of salvation. At the same time this short-circuited the administration and though admirable in a way was hardly a system which he could pass on to his successor. All the attention, under Abdullah and Bakshi, was given to palliatives which merely put off the problem. By the time Sadiq appeared on the scene in 1964[3] after Shamasuddin's short tenure in 1963-64, the problem had become intricate. While in opposition, Sadiq had fought the Government and the administration. His approach was bold and inspiring and it made an impact on the people. For the first time a business-like effort was made to clean up the cesspools in the various departments. For the first time also the posts of Chief Secretary and Commissioner were filled by experienced officers lent by the Government of India.

Meanwhile, free and universal education has been making its own contribution to the internal problems of the State. There are more scholars, doctors, and engineers than the State can absorb. Employment has not kept pace with the expansion of education. This is a phenomenon which has far-reaching effects, as it is being proved in other parts of India. Social and political unrest and economic dislocation which come in its train pose new problems

[3]Bakshi was arrested on 22 September 1964 under the Defence of India Rules and taken to Udhampur prison, but released on 13 December of the same year. On 30 January 1965, the Jammu and Kashmir Government appointed a one-man commission to inquire into charges of corruption against him and N. Rajagopala Ayyangar (a retired judge of the Indian Supreme Court) was nominated Commissioner. See Keysing's Archives dated 27 February, 6 March 1965.

for the authorities. In other parts of India where people had the benefit of a more efficient administrative system and the Union Government started earlier with its plans of development, the consequences have been trying enough. In Jammu and Kashmir which was not prepared for the changes that have come upon it, the picture has been much worse.

To some extent this was unavoidable. It is customary for a critic to criticize a government for all its acts of omission and commission, real and imaginary, making no allowance for the gains which may have been made. In a country where the bullock cart has been the symbol of progress for centuries, any reasonable change in its economy and way of life would pose new and baffling problems. Improved sanitation and medical services would improve health, widen the span of life expectancy, reduce the death rate, increase population and therefore the number of mouths to be fed. If farm production does not keep pace with this development, serious problems with their social and political consequences would arise. What is worse, neither problem—increase in population or the absence of corresponding increase in the produce from land—can be solved quickly. The backlog, therefore, continues to mount up, thereby not only aggravating the basic problem but creating new difficulties. And yet it cannot be said that nothing has been gained. Better production presupposes better health which has been achieved, not to mention some increase in production.

Similarly, education on which the National Conference laid so much emphasis, and rightly, has created a crop of problems. The enormous expansion of educational facilities, general and technical, has brought to the people an awareness of new rights and of the need of an economy which can offer more opportunities of employment and gainful work. The number of what Oscar Wilde described for a different purpose "the mentally unemployed" has been growing, and these mentally unemployed no matter where they are, have no time for anything but barren debate and argument, leading to mischief and frustration. The supply is greater than the demand—but in this case the supply is of young, ambitious, educated and in many cases trained personnel. They cannot be expected to sit still, if they find no work. Here again the spread of general and technical education has been a great gain but the facilities for putting

it to constructive use are being outstripped by numbers. According to Sadiq, in four years, 25,000 people have been absorbed in the Government departments, and 500 posts have been created for technical personnels.[4]

A problem which has haunted the people down the centuries has not even been touched, and that is how to keep people gainfully employed during the long winter months. Switzerland has solved this problem by developing highly skilled industries like watch-making or other instruments which can be manufactured at home with the help of simple machines and tools. Now that electricity is available in the Valley, many possibilities open up for new and specialized lines of production, for which Kashmiris famed for their skill in handicrafts are particularly equipped. Radio sets made with parts made at home and now transistor sets offer possibilities worth exploring. Equally little attention appears to have been paid to cutlery which could usefully engage the talent of the people both in designing and manufacture. Other lines of production which are worth exploring are many household and kitchen gadgets, simple to make but in great demand, a variety of knives for the kitchen table, for instance. The State has not been able to undertake the manufacture of telephone parts but a watch factory is being set up by Hindustan Machine Tools at Zainakot. Estimated to cost Rs 50 million it will produce 300,000 watches a year.[5] The other project has also been inaugurated as a unit of the Indian Telephone Industries to manufacture in the first instance textile-braided chord.[6]

Some headway has been made in the industrial field. In Jammu, for instance, industries include a rosin and turpentine factory, a sole leather plant, a knitting factory, Kashmir willows, sericulture, apart from coal which is mined at Kalakot and sapphires which are mined at Padder, and a thermal power station. The Valley boasts a much wider range of industries—a brick and tile factory, woollen mills, leather tanneries, a silk weaving factory, pharmaceutical works, a handloom silk weaving factory and a factory for match-making, and spinning and joinery mills. There are also in the Valley factories for prestressed concrete, spun pipe and cement. Mrs

[4]*Times of India*, New Delhi, 8 March 1969.
[5]*Times of India*, New Delhi, 18 May 1971.
[6]*Ibid.*, 24 May 1971.

Indira Gandhi said in Srinagar on 15 July 1970 that a paper and rayon pulp plant was in the offing.[7] In 1969 the State Government passed a Bill to enable banks to provide loans to residents of the State against mortgage of property, thus promoting bank investments in the State.[8]

According to an official statement, one hundred small-scale industrial units would be in production in the State by 1971, with a total investment of 10 million rupees, providing employment to 2,000 persons. Thirty-one units have already started production; machinery will soon be installed for 12 units. Equipment for 36 units is expected shortly. The number of small-scale units has increased from 583 in 1966 to 950 in 1970. The total value of production is Rs 30,380,000.[9] All this is encouraging as far as it goes.

Every summer the crying need of the people is tourists whose soaring number continues to set up new records. In 1967 as many as 146,081 tourists visited the State. This is almost five times the highest number recorded in pre-independence years, and is a remarkable tribute to the art of publicity and the interest among people in other parts of India in this part of their country. And yet little attention has been paid to the equal need of all those who come in contact with tourists to show the visitors courtesy and consideration and not to treat their arrival as an opportunity for relieving them of as much cash as possible by palming them off with articles that are worthless and by rendering them service which judged by any standard will be considered niggardly. This is hardly the way to build up an enduring tourist trade or goodwill expected to yield future dividends. Here is an extremely difficult problem, by no means peculiar to Jammu and Kashmir, which needs continuous and close attention.

The picture will not be complete without the Central contribution to economic development in the State since the Indo-Pakistan conflict in 1965. Some headway is being made in the sphere of transport and communications which are largely a Central responsibility. The Pathankot-Srinagar road has been improved.

[7]*Ibid.*, 16 July 1970.
[8]*Ibid.*, 4 October 1969.
[9]*Ibid.*, 30 July 1970. For proportion of workers in agriculture and industry see Appendix X.

The 272-mile Srinagar-Leh road is fully surfaced and the 291-mile road to Leh from Manali in Himachal Pradesh has almost been completed. These are two of the many roads which are being built in the State.

With the introduction of microwave system, 300 additional circuits were made available in November 1967, 75 of which are used for subscriber dialling. Already the calls from New Delhi to Srinagar have jumped from 140 a day to 1,630; while from Srinagar to New Delhi the number has increased from 116 a day to 2,506. All manually operated telephone exchanges in the State have been made automatic. Telex has also been introduced. The Srinagar-Leh route is covered with overhead carrier lines, although there is also a regular wireless-link between the two points.

On the New Delhi-Srinagar route, bigger and faster aircrafts are now in service. The airport in Srinagar has a runway long enough to take big jets; it is equipped with ground control approach equipment, a radar device by which aircraft are "talked down" to the runways in bad weather. There is a proposal to install beacons over the Pir Panjal peak and perhaps also on the Patni top.[10]

No less significant is the change which has taken place in the field of political parties. Some of the old leaders of the National Conference, like Sadiq, Mir Qasim, and D.P. Dhar, who had broken away from the National Conference because of their deep differences with Bakshi on grounds of policy and administration, began to feel that the old party had outlived its usefulness. They proposed the extension of the Indian National Congress which had brought about the transfer of power from the British to Indian hands, to the State, both because their policy and programme were the same as that of the Congress and because they felt that the time had come to end the State's isolation from the broad stream of national life. Accordingly the Congress was introduced into the State and many members of the National Conference and Sadiq's Democratic National Conference joined the new party, leaving Bakshi to espouse the cause of the old National Conference with a few members. Transplantation was easy but the Congress Party needed time to strike roots in the new soil, a process which is in progress, though opposed by various opposition groups, including the Plebiscite

[10] *Statesman*, New Delhi, 16 July 1968.

Front of which Abdullah is not a member but of which he is the soul, using its platform for propagating his views.

An interesting commentary on the administration in the State under Bakshi Ghulam Mohammad is provided in a report by N. Rajagopalan Ayyangar, retired judge of the Supreme Court of India on certain charges of misconduct against Bakshi Ghulam Mohammed. "I thought it would be in public interest," observes Ayyangar, "if by going into these details I brought out the manner in which the improprieties were committed and the machinery employed to put through schemes for self-aggrandisement or favouritism. Some of them are no doubt ingenius but several are really clumsy as they involve apparent manipulations and alterations which are clearly seen in documents to achieve their purpose. In this connection my analysis of the evidence would serve to show how when abuse starts from the top, demoralization sets in the permanent services, and even officers who by virtue of their status and position could normally be expected to take an objective view of matters coming up before them, succumb to the temptation of becoming subservient and willing tools for furthering the interests of those under whom they serve."[11] Ayyangar recommended several safeguards against wrong doing.

What is needed is a clean administration, firm maintenance of law and order, energetic attention to economic development, freedom of expression and political activity not bordering on subversion, sabotage or violence. Happily these are the keynotes of Sadiq's Government. However, there are other steps which the Union and State Governments have to take in concert. Recently communal forces have raised their ugly heads in several parts of India. After the upheaval in communal relations brought about by partition, normal conditions took years to return. From 1954 to 1960 there was a clear and consistent change for the better, 1960 being a remarkably good year with only 26 communal incidents in the whole country, the increase in communal violence being largely confined to Bihar, Madhya Pradesh, U.P., and West Bengal. There was a substantial fall in the next two years, but in 1964 as a consequence of serious communal riots in East Pakistan which

[11] *Report of the Commission of Inquiry, 1967*, p. 720. Some recommendations relating to the "Rules of Business" of the Council of Ministers are reproduced in Appendix XI.

led to large-scale migrations of Hindus and Christians to India, there was considerable violence in West Bengal, Bihar, and Orissa. Serious communal trouble was apprehended in 1965 which saw two conflicts with Pakistan, but most of the country remained peaceful. It was only in Maharashtra and particularly in and around Poona that a large number of incidents, involving loss of property, occurred. The incident followed a case of sacrilege and had no connexion with the Indo-Pakistan conflict. In 1966 the number of incidents fell but it was still relatively high, curiously in Andhra Pradesh and Maharashtra which had earlier been comparatively free from trouble. The deterioration continued in 1967 when an outbreak of violence in Ranchi cost 155 lives. More incidents were reported from Andhra Pradesh, Bihar, and U.P. A disturbing development in 1967 was the extension of communal tension to Jammu and Kashmir. There was hardly any improvement in 1968 when serious disturbances took place in Meerut, Karimganj, and Allahabad. The trouble also erupted in Kerala and Mysore, the States worse affected being U.P., Assam, Bihar, and West Bengal in that order.[12]

Pleading for a "permanent vigilance" against the dark forces of communalism, Prime Minister Indira Gandhi said at the meeting of National Integration Council that integration was "the very condition for national survival and a practical necessity" apart from having its moral justification.[13] The Council examined the problem and made a series of recommendations, one of which was that Section 153(A) of the Indian Penal Code should be amended to provide for punishment of communal activities, a term which should be defined to mean any activity which promotes or attempts to promote on the grounds of religion, race, caste or community or any other ground whatsoever feelings of enmity or hatred between different religious or racial groups, castes or communities. Accordingly, the Union Government introduced the Criminal and Election Laws Amendment Bill 1968 seeking to amend the Indian Penal Code, the Code of Criminal Procedure and the Representation

[12]A working paper prepared by Home Ministry of the Government of India for the National Integration Council which met in Srinagar in June 1968. See *Statesman*, New Delhi, 14 June 1968.

[13]Address at the National Integration Council in Srinagar on 20 June 1968, *Statesman*, New Delhi, 21 June 1968.

of the People Act, 1951, and to provide against printing and publication of "certain objectionable matters" and to enhance punishment.

Unfortunately the trouble continued, now here, now there, until there was a sickening flare-up in Ahmedabad and some other parts of Gujarat in 1969. In 1970 there were outbursts in Jalgaon and Bhiwandi. All these seemed to form part of growing violence in the country and the general running down of the machinery of law and order. After riots in Gujarat the Prime Minister wrote to Chief Ministers asking them to review the administrative arrangements to deal with communal trouble.[14] According to Mrs Indira Gandhi, there was a calculated political move behind the communal riots in Bhiwandi and Jalgaon as well as the previous disturbances in other parts of the country.[15] She appealed to the people to launch an all-out war on communalism.[16] In June 1970 the Centre asked State Governments and Union Territory Administrations to impose collective fines in any area affected by communal disturbances. The suggestion was based on the Prime Minister's discussion with Chief Ministers who generally favoured imposition of collective fines.[17] The Centre went further. The Government informed the Lok Sabha that legislation being drafted to put down the activities of communal organizations in the country would lay down the criteria to determine whether an organization was communal or not. Further, in the light of these criteria, a tribunal of judges would decide whether an organization was communal. Action would be taken against those organizations after the findings of the tribunal. Under the present law no action could be taken against those bodies which incited communal violence. One of the steps recommended by the Prime Minister to Chief Ministers was to emphasize the importance of intelligence. Accordingly, the Centre had undertaken a survey of districts prone to communal tension so that the States concerned could be immediately informed of any communal mischief developing in those districts.[18]

Shortly the government proposes to introduce in Parliament the

[14]*Times of India*, New Delhi, 2 October 1969.
[15]*Ibid.*, 21 May 1970.
[16]*Ibid.*, 2 June 1970.
[17]*Ibid.*, 15 June 1970.
[18]*Ibid.*, 8 August 1970.

Disturbed Areas (Special Court) Bill, empowering the government to declare areas, where communal trouble breaks out, as disturbed and to set up special courts to try people summarily, awarding up to three years' imprisonment. The government is also contemplating to amend some sections of the Indian Penal Code to bring within the purview of the Act certain activities which provoke communalism. Further, amendment of the law to deal with the activities of para-military organizations is not excluded.[19]

This is one way of ensuring religious tolerence and peace. In view of the long tradition of communal concord in Jammu and Kashmir it is necessary to ensure that a misguided opposition group does not take the law into its own hands. Political groups which misuse freedom given to them by the Constitution to subvert that freedom and undermine that Constitution cannot expect to be treated with tenderness and consideration which they deny to others. The course for the Union and State Government is clear. In Kashmir and in other parts of India, the only road to progress is provided by secular principles, not through the bloodbath organized by fanatics disguised as saviours.

[19]Indian Home Secretary's statement in Srinagar, *Times of India*, New Delhi, 24 May, 1971.

CHAPTER FIFTEEN

WHAT HOLDS THE STATE TOGETHER?

THE STATE of Jammu and Kashmir is India in miniature with its many religions, races, languages, and cultures.[1] Until the Constitution of the State abolished the hereditary rule, it was the Maharaja who was the lynch pin of the structure of the government. The diversity of the State found its unity in his person. With his removal, the secular principle is the only one which holds Jammu, the Valley, and Ladakh together in the field of internal administration. Take away this principle and the three areas fall apart.

Proposals for the break up of the State have been made from time to time. Sir Owen Dixon, the UN representative, suggested partition-cum-plebiscite. Abdullah had in mind the absorption of Jammu and Ladakh in Union territory and the conversion of the Valley into an independent State. Other proposals include the absorption of Jammu in Himachal Pradesh, separation of Ladakh as a Centrally administered area, and the Valley constituted into an autonomous unit of the Indian Union.

Those who make such proposals do not do so without plausible reasons. Sir Owen Dixon considered the popular view having already been expressed in Ladakh and Jammu in favour of India. This assessment was eventually supported by Abdullah. Supporters of proposals intended to detach Jammu from the State argue that its non-Muslim residents have waited long enough for a final settlement of the State's relationship with the Union and advocate reducing or raising the State to the level of other constituent States of the Indian Union. In the heat of controversy, exponents of these schools of thought lose sight of the basic consideration, namely that what they recommend is a process not of integration but of

[1]See author's *The Kashmir Story*.

disintegration. There are others who advocate a confederation of Jammu, Ladakh, and the Valley, leaving the central government of Jammu and Kashmir to deal with a few subjects of common interest.[2]

Now federation is a step towards unification. It is a constitutional device by which independent States part with some of their sovereignty to set up a union to which they contribute and in which they share unity which otherwise they are individually unable to achieve. Its principle is the co-existence of people speaking various languages, professing different faiths, and enjoying separate cultures. De-federation is, therefore, a reversal of the desire for political and constitutional union and is a process which runs contrary to the spirit and provisions of the Constitution of India which is a federal constitution. This is a reality which cannot be trifled with, as it is clear from the fact that even the re-organization of States which necessarily involved detachment of parts of some existing States and their attachment to some other States of the Indian Union has weakened the Union instead of strengthening it, bringing to the fore factors of division and discord, instead of emphasizing those of common interests and security.

Besides, all these suggestions are, in their essence, rooted in sectarian considerations. Thus far no constituent State of the Indian Union has been constituted or divided on the grounds of religion. Linguistic considerations have been responsible for the creation of new States out of the old ones, although in the case of Punjab and Haryana these considerations are hopelessly mixed up with religious undertones. Nevertheless, it is a fact that no State has its origin in an explicit recognition of religion as a basis. Even then the resultant mischief has been out of all proportion to any advantage gained in the process. To agree to the break up of any existing State to provide territory within the Constitution of India to any religious community or communities would be nothing short of disaster. For today such a division would be within the Union, tomorrow outside it. It would be a signal for the Balkanization of India, a retrograde step completely out of tune with the spirit of the twentieth century in which religion has begun to play a receding role in State affairs; and a grave setback to the creation

[2]Prem Nath Bazaz, *Kashmir in Crucible.*

of a society inspired by tolerance and mutual accommodation. It would not only shatter the unity of India but keep the parts divided in perpetual conflict with one another. Brought into existence by intolerance, they would seek their survival by intolerance. On certain basic principles a compromise is merely another name for political and national suicide, as a compromise on the secular principle in India would undoubtedly be.

Does it then mean that no constitutional changes are permissible in the State any longer? The likely effect of any change on other States of the Union cannot be ignored. It has yet to be proved—and this is the crux of the matter—that the so-called regional tensions in the State are due to any basic political maladjustments and not the vacillating policies of the Union and State governments on the issue of co-existence of various religious groups in the State. Once it is made clear by the Union Government that there will be no compromise on the principle and that no changes will be made in its governance merely for reasons of religion, and if finally pursued over a period of time this policy fails to promote internal stability and co-operation, there will be time enough to consider whether devolution of some authority by the Jammu and Kashmir Government to the district authorities of Jammu and Ladakh will not promote the objectives that the various parties may have in view. But it is essential to maintain the political and constitutional unity of the State if more serious difficulties are not to be created.

Besides, the exponents of various constitutional proposals ignore the economic inter-dependence of the three parts as it has developed during the last twenty years. A break-up of the State will alter the character of economic inter-dependence. The chances are the break-up will reproduce all the tensions and conflict on the regional and inter-State level, especially in the economic field. Once again the cry will be religious discrimination but in a wider region. Religion is thus a dangerous guide in these matters, particularly because like a chameleon it changes its colour to suit the occasion, thus concealing its disruptive influence. Once ground is conceded to sectarian considerations, it has to be conceded all along the line. In other words, the question is not merely one of constitutional mechanics or even territory, but the identity and wholeness of India in human terms, of unity in diversity, in short the creation and preservation of a culture which dissolves conflict.

Some of the economic consequences of a constitutional division of the State are likely to be unpleasant to its advocates. An autonomous Kashmir Valley in the Indian Union will not even have the area of some of the centrally administered territories and while its strategic importance will remain its political importance will dwindle. All this may have its effect on its economic development and on assistance from the Union Government. Jammu will be lost in Himachal Pradesh and its present substantial share of financial assistance drastically curtailed, more so by claims of other parts of Himachal Pradesh. The clamant sponsors of the proposals to break up Jammu and Kashmir State forget that the heavy Central financial assistance to the State is determined largely by the political unity of the State and the relationship between its constituent parts, not so much by the individual claims of these parts. Apart from the fact that the Prime Minister of India has already ruled out any constitutional changes in the State, the leaders of the Plebiscite Front and advocates of division in Jammu seem to have lost sight of the crucial factor of political unity which administratively gives this part of India a peculiar importance. Had the State been split up into three separate parts, it is extremely doubtful whether the Union would have contributed as much to their individual five-year plans as in fact it has done to Jammu and Kashmir.

It is hardly surprising that with the exception of one party, the Dogra Mandal, no party or individual who appeared before the Commission of Inquiry or submitted a memorandum to it, suggested a division of the State or the creation of a sub-State within the State. Even the idea of autonomy for the regions of the State was unacceptable to most of them. The Jammu Autonomy Forum was the only protagonist from the Jammu region of regional autonomy for Jammu, Kashmir, and Ladakh. Two individuals from Kashmir who supported autonomy for the regions also pleaded strongly for a greater measure of autonomy for the State as a whole within the Indian Union. The Dogra Mandal suggested the merger of the Jammu region with Himachal Pradesh.

In the Commission's opinion a large majority of the population of the Jammu region did not support the proposal for regional autonomy. The Commission went on to say:

> . . . it is quite likely that any recognition of the autonomy of a region of the State may whet its appetite for greater autonomy and accentuate separatist tendencies which may ultimately lead to the disintegration of the State itself. Besides, in dealing with the question of autonomy for the Jammu region, as in considering the question of autonomy for the State as a whole within the Indian Union, we cannot treat as irrelevant the impact that such a step is likely to have on the other regions constituting the State. This point is relevant and valid as all the parties which appeared before us, with one solitary exception, were agreed that nothing should be done that would impair or injure the unity and integrity of the State . . . after careful consideration of all the relevant factors, we have come to the conclusion that the demand made before us by the Jammu Autonomy Forum should not be accepted.[3]

The Commission also considered the desirability of introducing a system of regional committees of the State legislature of the type envisaged for certain States in Article 370 of the Constitution of India. Such regional committees were set up for the Punjabi-speaking and Hindi-speaking areas of the former Punjab State. The experiment did not work satisfactorily and the establishment of these regional committees did not prevent the eventual division of the former Punjab State into the new States of Punjab and Haryana. The Commission rejected the proposal,[4] but recommended the setting up of a statutory State Development Board headed by the Chief Minister and statutory regional development boards for the three regions.

Some people advocate President's rule. Now President's rule is nothing new and has been tried in various States of the Union with initial success, but the success does not seem to last. Sooner or later, as required under the Constitution of India, democratic government must be restored in the State and no sooner this is done, than the old tendencies which had necessitated President's rule reassert themselves, and the merry-go-round starts all over again. President's rule in the Punjab and Kerala, for instance, produced no lasting results. The experiment in other States has

[3] *J and K Inquiry Commission Report, 1968*, pp. 83-4. For recommendations of the Commission see Appendix XII.

[4] *Ibid.*, p. 84.

fared no better. In Kashmir President's rule even for a year or two might not make much difference and even if it was tried it is doubtful whether the results would be basically different from those obtained by this method in other States of the Union.

Suspension of democratic government in the State has nothing to recommend it. It would bring back to life all the evils from which the Maharaja's government suffered. Whatever its claims, the step would be treated in the State as anti-people, retrograde, reactionary, and thoroughly undesirable. In a democratic State no problem can be solved except by democratic methods. This is the crux of the matter. Free people cannot hope to end their troubles by compromising with slavery. Doubtless President's rule, if a number of other conditions were satisfied, could bring about some transitory improvement, but the people would have to resume control sometime as a free people. That is the trouble with dictatorship. It seems to suggest an easy way out, but no dictatorship has ever lasted. Sooner or later, it has to give way to the people's desire to be themselves instead of being a helpless shadow of an autocrat. The relief is short-lived and the slavery is seldom ended without bloodshed. History is witness to man's struggle against authority, particularly if the authority has no basis in his consent. It cannot, therefore, be suggested that he shuffles off the mortal coils only to pine for them. Reimposition of autocratic rule on a free people, even when desired by them, is nothing but an illusion and totally against their deeper urges and aspirations. However distasteful it may be, man has to realize that freedom is his goal and that in freedom alone he can have his being.

It is not suggested that he need not be subject to any discipline or that his government must be supine and nerveless, but only that he must be in a position to throw it out if he does not like it. He has a right to expect from his government that it governs, that it maintains law and order, protects his life and property, provides opportunities of employment, guarantees fair and impartial administration and justice, and safeguards his fundamental rights. To do all this, the government must have an administrative machinery on which it can rely, a programme or policy which commands popular support and a determination to carry it out. Above all, within the framework of the programme adopted, it must make the people realize what will not be tolerated, irrespective

of consequences. One thing which cannot be tolerated is defiance of law in the name of religion or incitement to religious intolerance. In a composite society, little can be achieved if people belonging to different faiths refuse to live together. This condition is so basic that without fulfilling it, the liberty of the subject becomes a myth. Normally in Kashmir as in other parts of India where different religious beliefs have co-existed for centuries, this basic condition should present no problem. But in a democracy opposition parties use fair and sometimes not so fair means to cause embarrassment to the party in power, which itself may not be above using methods likely to undermine its own position in the long run. Incitement to violence in the name of religion may lead to disorders, thereby forcing the government to take strong measures including firing with consequent casualties, a situation which a government prefers to avoid, for it brings unpopularity and a possible loss of votes at the general elections. This is a position not difficult to understand and on occasion may have full justification. But if reluctance on the part of the government to use force at the right time gives opposition parties the impression that the government is afraid of taking firm measures, it is a signal for further use of unfair pressures, including violence by opposition groups. A government may not use force because it is confident of its ability to deal with a situation, however ugly, and if popular faith in this confidence is unaffected, little harm is likely to be done. But once it becomes known that authority is afraid of taking strong action, it is an invitation to bigoted and other anti-social elements to take the law into their own hands.

If radical constitutional changes in the State, within the framework of the Constitution of India, are ruled out for various reasons, then what scope is left for any action in the immediate future? The Jammu and Kashmir Commission of Inquiry has examined this matter and made a number of recommendations. The Commission recommends an arrangement whereby regions of the State can have maximum opportunity to draw up their own development programmes and to implement them subject to the interests of the State as a whole. From the evidence which the Commission examined, it came to the conclusion that "we do not think we would be justified in concluding that the State government has deliberately discriminated against either Jammu or

Ladakh."[5] According to the Commission there is no easy formula by which the people can be given a feeling of equal participation in the integrated development of the State.

After an extensive analysis of the State's resources, central aid and the budgetary position over a number of years and other data, the Commission concludes that on an overall assessment the development programme during the second and third plan periods "cannot be said to have been unequally shared between Jammu and Kashmir regions.... There does not, therefore, seem to be justification for complaint of there having been deliberate discrimination exercised against either region [Jammu and Ladakh]."[6]

The Commission has suggested multiple criteria to determine the classes to be treated as backward, revision of the existing list of backward classes, and application of Article 335 of the Constitution of India to Jammu and Kashmir and reservation for the Scheduled Castes made in the services in proportion to their population. Article 335 requires that the claims of the members of the Scheduled Castes and Scheduled Tribes should be taken into consideration consistently with the maintenance of efficiency of administration, the making of appointments to services and posts in connection with the affairs of the Union or of a State.[7]

The Commission has recommended a full-fledged university each for Jammu and Srinagar and provision of law classes in Jammu University. A new medical college in Jammu has been suggested as also a regional engineering college for Jammu if need arises. Special recommendations have been made for the development of Ladakh district: two colleges in both tehsils, adequate arrangements for travellers at Kargil, halting station *en route* to Leh, power supply to Leh Kargil and other important places.[8]

The Commission has examined the communal and regional composition of the Government employees as on 1 April 1969 as well as the communal and regional composition of the persons recruited to the State services year by year from 1961-62 to 1965-66. "It will be seen that regionwise the position in the Kashmir Valley taking both the rate of annual recruitment and the total strength

[5] *Ibid.*, p. 43.
[6] *Ibid.*, p. 27.
[7] *Ibid.*, pp. 60-63.
[8] *Ibid.*, p. 90; Ch. VIII.

of the staff has improved while the corresponding position in Jammu has deteriorated. Though the Kashmir region's population is 53.3 per cent of the total population of the State, its share in the services as on 1 April 1967 was 60.9 per cent. The Jammu region's population is 44.2 per cent of the total population of the State but its share in the services on 1 April 1967 was only 36.1 per cent."[9]

The rate of recruitment of Ladakhis has shown a decline from 2.5 per cent in 1961-62 to 1.4 per cent in 1965-66. Their total share in the services as on 1 April 1967, however, was slightly in excess of the proportion of the population of Ladakh to the total population of the State.[10]

> Communitywise the position of Muslims has shown an improvement though their total share in the services on 1 April 1967 was appreciably less than what it should be on the basis of population. The position of Hindus has shown a decline though their share in the services as on 1 April 1967 was substantially higher than what was due to them according to their population. The annual intake of Buddhists has also shown a fall. The recruitment of Sikhs in the services has been fluctuating from year to year but their share in the services on 1 April 1967 was considerably in excess of what was due to them on a population basis.[11]

The Commission's recommendations were welcomed by various political parties. Premnath Dogra said: "Generally these are satisfactory. These will go a long way in removing disparities and complaints of discrimination from Jammu and Ladakh, if these are implemented honestly and earnestly." Even Beg, leader of the Plebiscite Front, criticized the "reported" reluctance of the Kashmir Government to implement the recommendations of the Commission.[12]

The report of the Commission has cleared the air somewhat. For instance, it has already laid to rest the proposal about breaking up the State, or giving a substantial measure of autonomy to

[9] *Ibid.*
[10] *Ibid.*
[11] *Ibid.*
[12] *Times of India*, New Delhi, 7 December 1968.

Jammu or the Valley. The Commission has suggested adoption of a convention of having a Chief Minister from one region and a Deputy Chief Minister from the other region. Another recommendation is that there should be a full-fledged Cabinet Minister belonging to Ladakh. For administrative purposes the State is divided into two provinces—Kashmir, including the district of Ladakh, and Jammu. Under the Commission's recommendation a Deputy Chief Minister would have to be from Jammu, as the present Chief Minister, G.M. Sadiq comes from the other province.

Some of the Commission's proposals are unreal and impracticable. It is the Chief Minister's privilege and right to choose his colleagues, because in the end it is he who is answerable to the legislature. Where is the necessity of having a Deputy Chief Minister and why should he come from Jammu if the Chief Minister belongs to the Valley and vice versa?

This is not only clipping the Chief Minister's powers and is therefore unconstitutional, but it is conceivable that no one able enough may be available for the Deputy's post. And why should not the Chief Minister or Deputy Chief Minister come from Ladakh if he enjoys the leadership of the majority party in the legislature? It is small wonder, therefore, that this recommendation has not been accepted by the Government. Probably this is what Sadiq had in mind when he said that only two or three recommendations needed more consideration; the rest could be implemented.[13] A Ladakhi has been appointed Minister. It was proposed to set up a State Development Board and a university in Jammu, a law faculty, and a medical college. Recruitment rules would be brought upto date. Seniority lists of various services would be prepared.[14] Panchayat elections have been held. The Commission had recommended the appointment of a committee on backward classes. This was done and the Government accepted its recommendation for reservation of 42 per cent of posts in the State services and institutions of higher and professional education for backward classes and 8 per cent for Scheduled Castes. Members of both classes would also be entitled to compete for unreserved posts. As recommended by the committee, the Government decided to treat permanent residents living in "bad pockets" constituting 696 villages with a population

[13] *Times of India*, New Delhi, 8 March 1969.
[14] *Ibid.*, 25 March 1969.

of 326,988 and in areas within five miles of the cease-fire line (containing 175 villages and a population of 112,090) as backward.[15]

There are 732 panchayats in the Valley and the number of members to be elected was 4,701.[16] The Plebiscite Front's claim of victory for 90 per cent of its candidates and its charge against government of having rigged the elections in favour of Congress candidates was self-contradictory. At the same time it became clear that a substantial section of the Muslims in the Valley openly opposed the Front even though in its campaign it appealed to the religious feelings of the people. The Front offered the voters a choice between the *Quran* and the *Gita*. Abdullah exploited the Ahmedabad riots to denounce the Congress and therefore the party in power in the State.

In Ladakh the Army has helped a great deal in opening up the area and pulling up its standard of life. Roads have been built and soon it will have power from the Khardungla micro-hydel project which will generate 300 kw of power. Constructed at an elevation of 14,000 feet, the project is the world's highest altitude hydro-electric plant. It has also the world's highest altitude hospital at a height of 14,000 feet beyond Changla. Under the third five-year plan 90 per cent of the expenditure is borne by the Union Government. There has been expansion in education, co-operative centres, and other amenities including health.[17] Various small irrigation schemes are either under way or will be taken in hand shortly.[18]

Unfortunately, for a time, Mir Qasim, President of the Congress in the State, and Sadiq, Chief Minister, towed the party boat in opposite directions. There were differences between the two over the administration of the State and its set-up, the activities of certain Ministers which Mir Qasim considered "undesirable" and against whom charges of corruption had been levelled, and interference in State politics by senior officials. Mir Qasim resigned his Presidentship of the party, but Sadiq considered him essential since under his stewardship the party had achieved a signal success.[19]

[15] *Ibid.*, 30 January 1970.
[16] *Ibid.*, 13 July 1969.
[17] *Ibid.*, 4 June 1969.
[18] *Ibid.*, 6 June 1969.
[19] *Ibid.*, 17 March 1969.

Mir Qasim, it was said, should have a dedicated cadre of men, including Ministers (some of whom were a little indulgent to secessionist parties) to deal with Abdullah and other secessionists. It was even said that Sadiq was making overtures to Abdullah's camp to win support among opposition Muslims. Sadiq and Beg had several meetings and Sheikh's request to Sadiq that Bandey, custodian of the Hazrat Bal shrine and accused in the holy relic theft case, should be permitted to display the holy relic to the public, was granted by Sadiq. Sadiq's supporters argued that the PCC President or any other party member could not dictate to the Chief Minister.

In fact it was an old case of an inevitable conflict in a country like India between the head of government and the head of the party in power. Both could not be at the apex of the machine. The trouble had started first at the Centre when Nehru was forced in the end to take over the presidentship of the Congress Party. After his death, efforts to put the power in the hands of the Congress President both under Lal Bahadur Shastri and Mrs Indira Gandhi failed, and in the latter case led to so much trouble that the party could not stand the strain and snapped in two, the Prime Minister retaining her position on the pinnacle of the party. Recently the Chief Ministers of Gujarat and Mysore taught a similar lesson to the President of Congress(O).

Whatever idealists might say, a political party comes into power not so much for the sake of the health of the nation, although that might be an incidental allurement and result, as for the sake of its own health. Power and patronage are its life-blood and are indispensable for victory at the polls. The only fear which imposes some restraint on a party is the fear of losing votes, although even here voting is very largely on the basis of caste and group loyalties. The party boss is entrusted with the responsibility of maintaining the popularity of the party and adding to its power and influence, but the means by which all this can be done are in the hands of the Prime Minister or Chief Minister. In a well-organized party the conflict should not arise, because the objective of both is the same, but obviously the position of the head of a government is unique and the party boss must accept second place in the party hierarchy.

In Jammu and Kashmir the problem is complicated by the policy of liberalization which willy-nilly must mean a little friendlier

approach to the opposition party, in this case the Plebiscite Front, which is a secessionist party. In one sense such an approach weakens the opposition; in another, strengthens it. By meeting its reasonable demands Sadiq hoped to eliminate points of friction and conflict between the opposition and the Government and reduce at least mutual hostility, if active cooperation was not possible. At the same time, it makes the task of the State Congress President extremely difficult, particularly if elections are borne in mind. So much patronage shown to the opposition means so much patronage less for the party in power. The conflict is real, but the alternative is repression. Only time will show whether the policy of liberalization is the solution, but even then the effort is worth-making, though it is a tight rope dance.

In March 1970, 35 members of the Kashmir Congress Legislature party withdrew their support to the Chief Minister, thus precipitating a new crisis.[20] Disowning his statement of the previous day the chief whip of the party denied there had been any defections.[21] When a Deputy Minister resigned, the Governor prorogued both the Houses on the advice of the Chief Minister.[22] Some defectors turned up in Delhi and the whole party was threatened with disruption. Sadiq announced his decision to convene a meeting of the State Congress Legislature party to test his strength. He claimed majority support.[23] However, the storm blew over after some lightning and thunder. Sadiq and Mir Qasim came together and confidence in the Chief Minister was renewed by the State Congress Legislature party on 27 March 1970. The PCC at its meeting handed over charge of the organization at various levels. The Cabinet was also reshuffled.[24]

The internal party unrest subsided but is by no means over. Occasional upheaval and even eruption should not come as a surprise. It is difficult to see how all this can be avoided if the policy of liberalization is to be followed. The policy is imaginative, peaceful, and designed to bring the opposition and the Government

[20] *Times of India*, 13 March 1970.
[21] *Ibid.*, 14 March 1970.
[22] *Ibid.*, 14 March 1970
[23] *Ibid.*, 21 March 1970.
[24] *Times of India*, New Delhi, 25 March 1970; also see issues of 26 March 1970, 12 April 1970, and 25 May 1970.

a little closer together. At the same time it is firm when law and order are threatened or any appeal is made to violence. On the other hand, the Congress Party must be strengthened and its influence extended to all parts of the State to neutralize the evil effects of dirty communal politics and the activities of Pakistan agents. Sheikh's hands are not so free as some people imagine. He knows, as does Beg, that another campaign of violence and they will find themselves behind the bars—a prospect which is by no means alluring to them. This compels them to take to a constitutional course, which is exactly what the liberalization policy aims at.

It is undeniable that with all its defects—and the greatest defect is that it makes Mir Qasim's job profoundly difficult—the policy has worked. The alternative is repression with its own defects, a measure which in any case cannot be adopted as a permanent remedy. In the end, there is no substitute for cooperation but within the limits of the law and the Constitution. Limitations of a repressive policy are Abdullah's strength, and he is obviously aware of it. Even then the Government has taken necessary precautions. The Presidential Order of 1954 which imposes reasonable restrictions on Fundamental Rights in the State was extended for another five years in 1969.[25] The original Order was to operate for 15 years and reasonable restrictions on Fundamental Rights were to "be construed as meaning such restrictions as the appropriate legislature deems reasonable." This Order was to expire on 14 May 1969. There is the State Preventive Detention Act to meet an exceptional situation. The Centre also proposes to extend the Unlawful Activities Act to the State.[26] To be fair to Mir Qasim, he has always denied that he favours reversal of the policy of liberalization. The difference is over the manner in which the policy is applied in concrete cases, and here a closer cooperation between Sadiq and Qasim is the only solution, otherwise they would be rowing again in opposite directions.

All this will help. The possibility of creating conditions in the State in which the opposition parties are brought face to face with the opportunity of shouldering some responsibility and facing public criticism still remains. The Kashmiris are a cynical people and disinclined to praise merit even when merit is due. No opposition

[25] *Times of India*, New Delhi, 18 March 1969.
[26] *Ibid.*

party would be able to pull wool over their eyes for long if once placed in a position of authority. An opposition party must learn to act responsibly or run the risk of being debunked. One way of achieving this objective is to permit elections to municipalities. This would turn political energies into constructive channels and provide the opposition with an opportunity to face the facts. After all the local authorities in towns like Srinagar, Anantnag, and Jammu would have to improve sanitation, health, roads, etc., and responsibility would confront them with the need for practical realism. It is true that local bodies, with a few exceptions, have behaved deplorably in other parts of India and those in Jammu and Kashmir may not fare better, considering the past performance of such bodies in the State. But there is a vital difference between the two areas—in other Indian States and in the centrally-administered areas no party is advocating either a break-up of the Union or a surrender of large chunks of territory to Pakistan, the opposition parties being free to test their strength in the general elections. It is precisely because this natural process has been obstructed by Abdullah and his supporters, that elections to municipalities assume peculiar importance. The opposition may capture majority of the seats in the elections, but its programme is unlikely to be worse than what the Jan Sangh has done in the Delhi Corporation. There is even a possibility that such a step, if taken, may open the door to restraint and responsibility and bring opposition parties face to face with popular criticism from which no shouting, however loud, much less slogans, however inciting, will guarantee any protection. At present, the Government of Jammu and Kashmir is blamed for everything. No new constitutional measure will be necessary and revival of elections to local bodies will divert political attention to matters nearer home which affect the daily life of hundreds of thousands. The elections were suspended when the first Pakistan aggression took place. They are now overdue. Even if the State Government is apprehensive of permitting such elections all over the State, a beginning could be made in a selected area and then the facility restored in other parts of the State in the light of experience. A beginning could be made with the municipality in Jammu or Srinagar.

It is clear that secular forces, though exposed to grave risks from time to time, have stood the test of time. However limited, a

consensus between the party in power and the opposition parties on the point is emerging. This is in keeping with the past traditions of the people, their history and culture. It is also clear that there is general consensus on the need for maintaining the political unity of the State. It is no less clear that most parties have begun to realize that the two—the secular character of the State and its political unity—are inter-linked. These are developments of considerable importance. But there is another aspect which is equally important. Neither the continuing development of secular forces in the State nor its political unity can be maintained without a strong Government in the State fully supported by the Union Government, and yet, as far as possible, democratic in its policy and actions. On the grounds of emergency the National Conference leaders in office claimed the continued retention and use of emergency powers (which drastically reduced the liberty of the subject), and special Central assistance to deal with it. Criticism has not been lacking that when even in these conditions, the increasing stability justified relaxation of the emergency powers, incidents were engineered to prove the danger of adopting such a course. Thus, a vicious circle was set up which created its own problems, causing artificial stresses in the Government's relations with the people. What is more, it set up a bad example for other States of the Indian Union, excessively favourable treatment of Jammu and Kashmir suggesting similar techniques to other governments.

In this respect Sadiq has made a major contribution, weeding out anomalies in Centre-State relations and combining freedom of expression with a firm handling of law and order. He has not attempted to clip the liberties of the people on the pretext of an emergency. Commenting on the freedom with which views were expressed at Kashmir State People's Convention held in Srinagar in October 1968, the Jammu and Kashmir Inquiry Commission observed:

> We feel that it is a tribute to the democratic way of life adopted by India, and by the State of Jammu and Kashmir as an integral part of the Union of India, that a Convention of this kind should have been called and such views openly, freely and fearlessly canvassed. We have already referred to the present State Government's decision—and we think the decision is correct and consistent with the democratic spirit of the Constitution—to allow full freedom of expression even to parties that do not see eye to eye with them or are opposed to their political ideology and commitments. Political trends, however subversive they may appear to be, have necessarily to be countered on a political plan and in a democratic country freedom of expression has to be granted to every citizen. This freedom does not mean the freedom to express views only in favour of the established order; it also means the freedom to express dissent so long as it is within the limits prescribed by the Constitution and the relevant provisions of the law.[27]

The tribute is well deserved. The combination of freedom and firmness has strengthened the unity of the State and the secular forces operating in it, but the situation is far from stabilized, and freedom and vigilance will have to go hand in hand to promote cooperation between the Government and the Opposition and to strike at violence wherever it raises its head. The Kashmir Legislative Assembly has already passed a Bill amending the State Ranbir Penal Code, the Code of Criminal Procedure, and the Jammu and Kashmir Representation of the People Act, providing for enhanced punishment for promoting hatred among different communities. Conviction under the Ranbir Penal Code would disqualify a person under the Representation of the People Act. The Bill was framed in the light of the recommendations of the National Integration Council.[28]

[27] *J and K Inquiry Commission Report, 1968*, pp. 71, 81.
[28] *Times of India*, New Delhi, 9 October 1970.

CHAPTER SIXTEEN

WHAT WAS BEHIND HIJACKING?

On 1 April 1970 an armed gang raided a Tehsil Education Office at Pulwama and after overpowering the watchmen carried away a safe containing Rs 71,000 which was to be distributed as salaries to the staff. The gang left in a stolen jeep which, two days later, was found abandoned near Aishmuqam, as was the empty safe under a culvert on Bijbehara-Pahalgam road. With the loot the gang bought a piece of land in the village of Barsu and built on it a dwelling which became its headquarters; the village is situated on the National Highway near Awantipur. A feature of the house was escape routes of which there were several, one of them leading to the river and another to the highway. The gang also started a poultry farm near Bijbehara.

Their next target was the State Bank of India, but a police station was too close to ensure success. The plan to seize the automatic weapons of men of the military police who visit cinema houses in Srinagar as part of their checking duty and who carry stenguns also failed, either because the military policemen did not turn up or they were too many. On 2 January 1971 a branch of the Jammu and Kashmir bank at Hazrat Bal was visited by four members of the gang disguised as police officers who asked the manager and the cashier to accompany them with all the money in the bank. The officials and the money were necessary for investigating a case of embezzlement, they said. Travelling in a taxi the gang escaped with Rs 97,175 after dropping the two bank officials on the way.

A slender clue led the police to the solution of the mystery. One of the members of the gang had been a college student in 1967-68. Photographs and particulars of thousands of students were examined until the individual's identity was established. But he was nowhere to be found, although the police combed many of his haunts, one of which yielded a diary containing code names. As the code was

broken, it became possible to identify a number of individuals some of whom were questioned. Then one of them spilled the beans and disclosed the whereabouts of the headquarters of the organization at Barsu. The police surrounded the house and after exchange of shots arrested two inmates armed with revolvers. A search produced records, explosives, microfilms, and a sum of Rs 8,600. When questioned the culprits disclosed the existence of other haunts of the gang near Bharo Mandir and Shahidganj. Unaware of the police raid, two more members of the gang returned to the house at Barsu and were captured.

But the leader of the gang was still at large. On the night of 17 January 1971, without suspecting a trap, he returned to the house at Shahidganj, and was promptly arrested. The police seized some arms, literature, records and accounts, not to mention a sum of Rs 12,000. With his help another Rs 70,000 were recovered from the attic of a house of one of the members. Thus a little over Rs 91,000 stolen from the bank at Hazarat Bal were recovered. Thirty members of the gang were rounded up. As they were questioned, the police managed to piece together their plan and the various stages in which it was to be carried out. What came to light was an underground organization called *Al Fateh*, financed and master-minded by Pakistan Intelligence Bureau. However, only the name was new; previously it was called "National Liberation Front," "Red Kashmir." Some of its members had gone across to Pakistan to receive training in automatic weapons and explosives, and some had established contact with the Bureau through the Pakistan High Commission in Delhi. The plan had three phases—first, recruitment and training, second, commission of violent crimes in order to collect funds and subvert law and order, and, third, espionage to collect information about military dispositions, movement of troops and artillery, strategic military roads, and secret military documents.

Key members were carefully trained and furnished with regular guidance, funds, arms and explosives from Pakistan. Before undertaking any operation they were first to establish a secure base where they could meet without fear of detection and where they could lie low after an operation. The members were given code names and many of them were not aware of the real identity of each other. Future plans included attempts on the life of Chief Minister and his

colleagues. Kidnapping of Ministers was another method, special accommodation having been arranged for them. Next police and army pickets were to be attacked in order to provoke them to open fire on people, thereby starting a chain of violence and disorder. Finally, when conditions were ripe, the plans provided for intervention from Pakistan-occupied Kashmir.

The underground organization had a political wing—the Youngmen's League and Students' Federation—the top leaders of which held important positions in the underground network. They maintained contact with certain important leaders of the Plebiscite Front whose patronage the Federation enjoyed. Records of the Federation which have been seized show links between this body and Pakistan.[1]

In the circumstances, Abdullah and Beg who were in Delhi, were externed from Jammu and Kashmir, and the Plebiscite Front declared an unlawful body under the Unlawful Activities (Prevention) Act of 1967, already extended to the State.[2] Three hundred and fifty members of the party were arrested under the Preventive Detention Act. This was done on 8 January. The Chief Secretary of the State disclosed evidence of secessionists' collusion with agencies guided from across the cease-fire line and of large amounts of money flowing into the State from foreign sources. Frequent meetings between Plebiscite Front leaders and foreign missions in Delhi were not without significance, he added.[3]

Another Central Government notification mentioned the activity of certain militant forces on the other side of the cease-fire line aiming at the forcible secession of the State of Jammu and Kashmir from the Indian Union and the activities of Plebiscite Front which the militant forces were likely to exploit, particularly as its members and sympathizers were inciting a section of students to violence. All this could affect the security of the State unless the activities of the Plebiscite Front were checked immediately and its influence among the youth and students brought to an end.[4]

Discovering his involvement in the underground organization,

[1]Press briefing by I.G. Police at Srinagar on 18 January 1971, see *Times of India*, New Delhi, 19 January 1971.
[2]*Ibid.*, 10 January 1971.
[3]*Ibid.*
[4]*Ibid.*

Al Fateh, in Jammu and Kashmir, New Delhi asked Zafar Iqbal Rathod, First Secretary in the Pakistan High Commission, to leave India within 48 hours.[5]

Evidently not all the saboteurs were caught in the police net. On 30 January, public opinion was electrified by the announcement that an Indian Airlines plane carrying twenty-eight passengers and four crew was hijacked by two men, one armed with a gun, the other with a hand grenade, to Lahore Airport. The plane was on its way from Srinagar to Jammu. A tremor of anger went pulsing through the country. Immediately India asked Pakistan to release the plane with its passengers and cargo, baggage and mail. India was assured through its Acting High Commissioner that the plane, crew, and passengers would be permitted to fly back to India. The incident had taken place on 30 January.

Meanwhile a relief plane was made ready to take off for Lahore, since the hijacked plane had not been released by the Pakistan Government. The Director General of Civil Aviation in Pakistan had agreed to this step, but his decision was set aside by Islamabad. A message from the Indian Minister of External Affairs to the Pakistan Minister of Foreign Affairs had no effect. The Pakistan High Commission had already refused to issue visas to the crew of the relief aircraft. Forty-eight hours later the crew and passengers but without cargo, mail or baggage were permitted to return to India by road.

What was difficult to understand was the behaviour of the Government of Pakistan. It neither arrested nor disarmed the hijackers and did nothing to prevent them from blowing up the plane. In fact, it rewarded them by giving them asylum. What is more, it expressed its solidarity with them and their associates who were described as members of the National Liberation Front, or *Al Fateh*. It permitted the hijackers to move and act freely in the airport area and terminal building. Thus, they could make long-distance telephone calls to their accomplices in Pakistan and meet political leaders like Bhutto and Mahmud Ali Kasuri, not to mention newspapermen and others. The hijackers were supplied food and other amenities for nearly four days. In fact, they were treated more like heroes than criminals. Pakistan TV—an official

[5]*Ibid.*, 25 January 1971.

organization—for instance, was permitted to film and later televize the entire sequence of the destruction of the aircraft.

Strangely enough, even after they had emerged from the plane, the hijackers were allowed to prevent the local fire brigade from fighting the flames engulfing the plane. Crowds were permitted to gather in a protected area, that is, of an international airport. The hijackers blew up the aircraft in full view of the troops, police, and other airport staff. Rawalpindi put every possible obstacle in the way of India which was trying to bring back the plane with its crew, passengers, and contents. All this happened in a State governed by martial law which gives the administration unlimited authority over the life of the citizens.[6]

Other features of the incident were no less intriguing. The hijackers demanded the release of 36 saboteurs arrested by the Jammu and Kashmir Government. Curiously, the demand was conveyed by the Pakistan Foreign Secretary to the Acting Indian High Commissioner in Islamabad on 31 January. They also demanded, as broadcast by Radio Pakistan, an official organization, that they should be granted political asylum in Pakistan and that their families should not be victimized in Kashmir. One of the hijackers threatened to blow up the plane if these demands were not met.[7] On the same day Bhutto, who had just returned from Dacca after his talks with Mujibur Rehman, rushed to the airport for a talk with one of the hijackers alongside the plane.[8] India rejected the demands.[9]

What Pakistan did was in violation of the Tokyo Convention of 1963 on Certain Offences on Board Aircraft, the Solemn Declaration of the Extraordinary Session of the Assembly of the International Civil Aviation Organization held at Montreal in June 1970, and the United Nations General Assembly Resolution No. 2645(XXV). These international measures required Pakistan to take appropriate steps to deter, prevent, and suppress such acts of air piracy within its jurisdiction at every stage, and to arrange for the safe return of the passengers and crew as well as of the aircraft and its entire cargo. Pakistan honoured none of these provisions except for the belated

[6]See Indian Ministry of External Affairs Notes to Pakistan dated 4 and 9 February 1971.

[7]*Times of India*, New Delhi, 1 February 1971.

[8]*Ibid.*

[9]*Ibid.*, 2 February 1971.

return of passengers and crew. Not that Pakistan had not already been warned by India. As early as 1 September 1970 India had informed Pakistan that certain subversive elements in Pakistan were conspiring to hijack Indian aircraft and that India had definite information about it. Pakistan was requested to take preventive measures. All that the Government of Pakistan did was to ask India to disclose the source from which it had received the information.[10]

Pakistan showed equally little concern for world opinion. Dr Walter Binaghi, President of ICAO, Montreal, sent the following cable to the civil aviation authorities in Karachi on 2 February 1971:

> Regarding unlawful seizure Indian Airlines aircraft confident Pakistan acting in accordance with ICAO Assembly Resolution A. 17-5 has permitted or will permit aircraft occupants and cargo continue journey immediately. Would appreciate your information regarding present situation. Am also very concerned by possibility proliferation hijacking in that part of the world unless severe measures taken. Therefore trust Pakistan will follow Assembly declaration A. 17-1 and prosecute perpetrators so as to deter repetition similar acts.[11]

Pakistan paid no attention to the cable. In his message to Congress on 25 February, President Nixon noted that "a new treaty signed at an ICAO conference called for prosecution of hijackers or extradition if apprehended on the territory of contracting States." He said additional action "should include international agreements to suspend air services to countries which refuse to cooperate in the release of hijacked aircraft and the punishment of hijackers."[12] The USSR Arab League and Yugoslavia also condemned the hijacking.

On 3 February, India demanded compensation for the loss of the aircraft, baggage, cargo and mail and the damage caused by the detention of the hijacked plane in Lahore. On the following day it informed Pakistan that until the matter was satisfactorily resolved

[10]Indian Ministry of External Affairs Note to Pakistan High Commission, dated 4 February 1971.

[11]Indian Ministry of External Affairs, Press Relation Section, 1. 14.48.71, dated 8 February 1971.

[12]*Times of India*, New Delhi, 26 February 1971.

India would not permit the overflight of any Pakistan aircraft, civil or military, over the territory of India.[13] While Pakistan protested against this decision, its Government did nothing to pay compensation. On 5 February, New Delhi demanded from Islamabad the return of the two hijackers to stand their trial in India for serious criminal offences.[14] This demand was also turned down by Islamabad.[15]

No one can call Prime Minister Indira Gandhi a prisoner of indecision. Her firm refusal to permit the overflight of Pakistan aircraft on Indian territory is in refreshing contrast with the fumbling and wavering of earlier Governments at the Centre. No compensation and return of hijackers, no overflights. Such has been the culmination of a raid on an educational institution in Pulwama by an armed gang in April last year. It is now clear that the same underground organization to which this gang belonged was also responsible for widespread arson in the countryside in the Valley last summer.

Such are the facts in brief. A number of questions demand answers. Why did Gen. Yahya Khan agree to release the Indian plane together with its passengers, crew and cargo, and then go back on his word? Why did the Pakistan civil aviation authorities agree to India flying a relief plane to Lahore, but the Pakistan High Commission in New Delhi refuse to issue visas to its crew? Why did Gen. Yahya Khan overrule the decision of his own civil aviation department? If Rawalpindi saw no objection to the passengers and crew of the hijacked plane being brought to the Indo-Pakistan border at Hussainiwala by road, why were baggage, cargo and mail withheld? The hijacked plane posed a grave threat to Indo-Pakistan relations. In the circumstances, why was Bhutto permitted to meet one of the hijackers at the airport? He had no *locus standi* in the matter. Pakistan did not allow even an Aryana plane to carry passengers and crew to India. Why? India had made the proposal to the Pakistan authorities. The explanation, offered seriously by Pakistan, that the presence of a large crowd at the airport might have led to trouble, is too absurd to deserve any notice. A martial law administration which subsequently shot down thousands of people

[13]Indian Ministry of External Affairs Note to Pakistan High Commission, dated 4 February 1971.
[14]*Ibid.*, dated 5 February 1971.
[15]Government of Pakistan's Aide Memoire, dated 6 February 1971.

in East Pakistan apart from wounding, God knows, how many thousand, surely did not get cold feet by the sight of a small crowd at the airport.

This is not all. How did the two hijackers get in touch with the Pakistan Foreign Secretary, and why did he choose to become their representative in communicating their demands to India? His consent to act as a channel of communication between the hijackers and India implied either that the entire martial law administration in Pakistan was completely helpless in the hands of the two criminals, the absurdity of which is obvious, or that the Pakistan Government considered the cause of the hijackers as its own. There is no escape from this choice. In the latter case, everything becomes clear. Trained, armed, and financed by its own Intelligence Bureau, the hijackers could neither be disarmed nor arrested nor prevented from blowing up the aircraft. Similarly they had to be given asylum. By expressing its solidarity with the hijackers, Pakistan left no doubt in anyone's mind that the hijackers were its own agents and that it was prepared to take full responsibility for their actions. In fact, the hijackers behaved as if they were Pakistan nationals, and not ordinary Pakistan nationals either, since they could defy the law, as they did when they prevented the fire brigade from putting out the fire in the plane caused by an explosion—all this in a protected area! They had no difficulty in using the airport telephones, or in obtaining food and other comforts, not to mention publicity in Pakistan newspapers and on the Pakistan Radio and Pakistan TV. None of these facilities could have been permitted to complete strangers.

Thus, Pakistan's full involvement in and responsibility for the underground sabotage organization in Jammu and Kashmir and for hijacking the Indian aircraft are fully established by the Pakistan Government's own acts of omission and commission.

However, this does not solve the mystery. There are other sides to the story, although they have been covered up in the dust of controversy. To seek a clue to its solution, one has to go back to the 1965 war between India and Pakistan. It is worth remembering that that war was between India and West Pakistan, and not—this is important—between India and Pakistan as a whole. There was no fighting in East Pakistan which subsequently condemned it as an adventure and of no consequence to its people except that since the war was precipitated by the Pakistan Government's own folly,

the communications between the two wings were interrupted and East Pakistan's trade was thrown out of gear, a situation which brought out the subordinate status of the eastern wing in full relief. It was obvious that this wing did not matter so far as issues of war and peace were concerned. No resident of East Pakistan except the ineffective Shahabuddin was included in the Pakistan delegation to Tashkent. Clearly no East Pakistani worth his salt was considered worthy of trust by Bhutto, Ayub Khan, or the senior military officers for inclusion in the delegation. What mattered was West Pakistan only.

The palpable neglect and discrimination were not lost upon the people of East Pakistan. There was already a growing resentment in the region over the concentration of economic development in the western wing, substantially financed, ironically, with the help of foreign exchange earned by exports from East Pakistan. There was already sullen fretfulness over the issue of Urdu which the Pakistan Government insisted on foisting upon the people of the eastern wing in the teeth of opposition. Except for Bhashani, political leaders in this wing, like Sheikh Mujibur Rehman, were far from happy over Pakistan-China relations the deepening of which would be a greater menace to East Pakistan than to West. The Pakistan authorities' attempts to train Nagas and Mizos for guerrilla warfare in Nagaland and NEFA, as well as border incidents, periodically engineered, tended to bring this wing into conflict with India which, however, has exercised restraint in the matter. Then in November a fearful storm struck the area—120 M.P.H. winds and 20 ft. waves wreaking havoc in the low-lying Ganges river delta. This was not the first cyclone nor would it be the last. What had the Government of Pakistan done in 23 years to protect the people from such recurrent disasters? Casualties were high—200,000 or more dead. President Yahya Khan took 13 days to visit the afflicted area! Would he have shown equal tardiness had Karachi been hit by a similar disaster?

December elections to the Constituent Assembly put Mujibur Rehman on top, giving him an absolute majority not only in East Pakistan but in Pakistan as a whole, thus putting the martial law regime and Bhutto in an awkward position. It meant that Bhutto who believes in confrontation with India[16] and in putting his last

[16]Zulfikar Ali Bhutto, *The Myth of Independence*, Oxford University Press, London, 1969, pp. 186-7.

shirt on China could not be Prime Minister of Pakistan. It also meant that there would be no constitution if Yahya Khan fought shy of the six-point programme on which Mujibur Rehman had obtained a popular mandate and on which he refused to compromise. The six-point programme stuck in Bhutto's throat and he announced that in no circumstances would he agree to a weak Centre. On the other hand Mujibur Rehman was not willing to concede to the Centre more than defence, foreign affairs, and currency.

Noted for disloyalty to his chief and unsurpassed in opportunism, Bhutto turned a series of somersaults to browbeat Mujib into submission. At first, he said he was prepared to accept two of the six points, then that there should be a dialogue between him and Rehman and, finally, that he would not attend the Constituent Assembly the meeting of which was fixed for 3 March 1971, if Rehman did not yield ground. Even this did not satisfy him. He threatened dire consequence to anyone, "whether in khaki or in black" who went to Dacca from West Pakistan, not excluding Yahya Khan![17] None of these postures deceived Mujib. While it was not clear how he imagined he had acquired lordship over the martial law regime—else his threat to Yahya Khan would mean nothing—Bhutto threatened no less serious consequences if any women were elected from West Pakistan to the Assembly! Here was gallantry with a vengeance. But all this paled into twilight when he declared that as Pakistan and India were facing each other "eye ball to eye ball" it would be inopportune for members of his party to stay away from their families to attend the Assembly in Dacca.[18]

Not once did Yahya Khan pull up this political adventurer who was holding the elected majority party and the whole nation to ransom. Although Yahya Khan had described Mujib as the future Prime Minister of Pakistan, he turned down the latter's suggestion for a meeting of the Assembly on 15 February. This was intended to appease Bhutto. Evidently, Yahya Khan himself was having cold feet over the six-point programme. The difficulty was the approaching meeting of the Assembly—how could it be postponed?

Suddenly the political situation in Pakistan was over-hadowed by the hijacked Indian plane. Bhutto and Yahya Khan exploited

[17]*Times of India*, New Delhi, 18 February 1971.
[18]*Ibid.*, 20 February 1971.

it. Both felt a shock when Mujib poured icy cold water over them. On 3 February, Mujib condemned the destruction of the Indian Airlines plane at Lahore Airport and called for a thorough Government investigation of the matter. Neither Bhutto nor Yahya Khan had bargained for this. History was repeating itself; it was a resurrection of East Pakistan reaction during the 1965 war. Earlier Mujib had criticized the absence of normalization between Pakistan and India as hitting East Pakistan economy which was tied up with the economy of India; thus India needed rice, jute, and fish from East Pakistan which needed its coal and other consumer products. It was clear as daylight that the two wings of Pakistan had been moving in opposite directions for some years, the agency largely responsible being the Government of Pakistan, which had tried to impose Punjabi and Pathan domination over the eastern wing. But things had been changing fast, although West Pakistan leaders, blinded by their own political ambitions, perceived nothing. Thanks to Mujib, Tagore's songs which had been banned by Ayub Khan on Radio Pakistan Dacca, were revived. On 18 February, Mujib declared that Islam would not be allowed to liquidate Bengal's culture [19] West Pakistan nationalism found itself in confrontation with Bengali nationalism.

Mujib had an answer to the question why the Pakistan Government was over-reacting to the incident involving the hijacked Indian plane. On 3 February, he said in Dacca that the "violence" was the work of "vested interests" trying to sabotage the return of constitutional rule. The new Constituent Assembly was due to meet in Dacca from 15 February to draft a new Constitution to compel the martial law regime to hand over power to a popular government. Mujib said: "It should have been realised that at this critical juncture in the nation's life the creation of abnormal conditions can only serve the interests of adventurers and conspirators against the people."[20] Probably the reference was to Bhutto who had met the hijackers after his return from Dacca where he had a talk with the Sheikh. To Bhutto the hijackers were "freedom fighters" fully entitled to Pakistan's sympathy and support.[21]

The People, a newspaper close to the Awami League leader,

[19] *Ibid.*, 19 February 1971.
[20] *Ibid.*, 4 February 1971.
[21] *Ibid.*, 6 February 1971.

suspected that Bhutto incited the hijackers to blow up the plane with the object of escalating conflict between India and Pakistan to circumvent the adoption of a constitution based on Mujib's six points. "The blowing up of the Indian plane looks like a calculated move to poison our relations with India. ... Knowing full well the implications of the Awami League's parliamentary majority, Mr Bhutto conspiring with other West Pakistan politicians, has lent support to the senseless action of the hijackers so that Pakistan and India are locked in another bloody conflict. Should such a contingency arise, this would obviously dynamite the process of constitution-making and transfer of power to the people." The newspaper added: "In so far as Mr. Bhutto is concerned his present move of hobnobbing with Kashmir guerrillas is no different from his past record. It was not hard to understand with what motivation Mr. Bhutto lent support to the hijackers five years after that devasting war with India. So what else Mr. Bhutto could have whispered into the ears of hijackers if not to blow up the plane."[22]

Of special interest was the newspaper's reference to Kashmir. It stated that "in the name of Kashmir, the people of Bengal were made to suffer a lot in the 1965 war. On the same plea, the people of Pakistan are again being dragged into a crisis the net result of which will be to thwart the restoration of democracy in this country and deprive Bengalis of all their rights."[23]

Another East Pakistan newspaper, *Purbdesh*, commented that isolated incidents like hijacking would not serve any purpose except to complicate Indo-Pakistani relations further.[24] In a second editorial on the subject, *The People* not only supported India's demand for compensation but observed that the creation of abnormal conditions could only serve the interests of saboteurs and conspirators against the people.[25]

While all this was going on, Sheikh Abdullah was silent. He did not react to the hijacking incident till 9 February, that is to say ten days after the event! Even then he did not condemn the Government of Pakistan. All that he was interested in was to suggest that Maqbool Butt, involved in a murder case in which he had been sentenced

[22] *Ibid.*
[23] *Ibid.*
[24] *Ibid.*
[25] *Ibid.*, 10 February 1971.

to death, had escaped from jail in the State and how this could have happened. There was not a word of sympathy to the passengers and crew who were needlessly detained in Lahore. Neither was there a word of criticism of the hijackers or their activities, or the attitude of Bhutto or the Government of Pakistan. Only a few days before he had called on the Pakistan High Commissioner. What happened to this "freedom fighter" who grows lyrical over the urgency of improving Indo-Pakistan relations which were badly strained by the incident? It is not for outsiders to say what passed between him and the Pakistan High Commissioner. The onus of what they discussed lies on Abdullah. His silence for nine days was significant enough, but what he did not say when he wrote to Jaya Prakash Narayan on 9 February is eloquent.[26]

It was in these circumstances that on 1 March 1971, Gen. Yahya Khan announced an indefinite postponement of the inaugural session of the National Assembly, thus frustrating Pakistan's return to civilian government after thirteen years of Army rule. Yahya Khan had preferred Bhutto to Mujibur Rehman, a minoriy rump to an elected majority in the country. Why? In announcing the postponement the President gave a curious reason for his decision. "The situation of tension created by India," he stated, "has further complicated the whole situation."[27] Mujib's reaction was immediate. He said the postponement of the Assembly was a conspiracy, particularly when all the National Assembly members from the east wing and all West Pakistan members except those belonging to Bhutto's party and the Muslim League (Qayyum faction) had already arrived in Dacca.[28] The next day he went further. "If the conspirators still think they can perpetuate their colonial rule, they are living in a fool's paradise."[29]

Meanwhile Yahya Khan was blowing hot and cold—afraid to wound but willing to strike. He called for a conference of leaders, a proposal which was turned down by the Awami League leader. At the same time, in addition to the stoppage of all work, which had begun from 1 March, Mujib called upon the people to observe non-violent non-cooperation with the martial law regime, an appeal

[26] *Ibid.*, 11 February 1971.
[27] *Ibid.*, 2 March 1971.
[28] *Ibid.*
[29] *Ibid.*, 3 March 1971.

which in the face of Army bullets achieved astonishing success. Once again losing his courage, Yahya Khan fixed 25 March for the convening of the Assembly. This was a cynical step considering that 25 March was the second anniversary of the coup in which he had ousted President Ayub Khan. The reasons he gave for the postponement were revealing. "As the resulting environment was not conducive to constitution-making, in that a very large number of West Pakistani representatives refused to attend the Assembly session on 3 March, I came to the conclusion that arranging the inaugural session of the Assembly on that day would be a futile exercise and was likely to result in the dissolution of the Assembly itself." This could hardly stand scrutiny in view of the fact that those who had decided not to attend the Assembly were in a hopeless minority whom the President obliged. The real reason came towards the end.

"Let me make it absolutely clear, no matter what happens, as long as I am in command of the Pakistan armed forces and Head of State, I will ensure complete and absolute integrity of Pakistan. Let there be no doubt or mistake on this score. I have a duty towards the millions of people of East and West Pakistan to preserve this country. They expect this from me. I shall not fail them. I will not allow a handful of people to destroy the homeland of millions of innocent Pakistanis."[30] To begin with, he made it clear that it was the armed forces of Pakistan who would decide the nature of the constitution, not the elected representatives of the people, and on no account the elected majority. Secondly, he assumed that the majority was out to destroy the integrity of Pakistan when all that it had suggested was a Centre entrusted only with defence, external affairs, and currency. Even this matter had not been thrashed out in the Assembly where conceivably the Awami League might have agreed to cede greater power to the Centre had the minority party led by Bhutto suggested a reasonable solution. Yahya Khan had also made it clear in his very first declaration in 1970 in which he decided to hold general elections for the convening of a National Assembly for framing a constitution that a constitution framed by such a body would be subject to his approval. Rehman's six points were already well known. What was not known, of course, was

[30] *Times of India*, New Delhi, 7 March 1971.

whether the people of East Pakistan were behind such a programme. The elections turned the tables on Yahya Khan, for the matter was no longer in doubt.

How was he to meet such a situation? He could use Bhutto as a tool, and he did it so successfully that first he turned down Mujibur Rehman's suggestion for a meeting of the Assembly on 15 February, and secondly when on discovering that Rehman was not yielding to Bhutto's threats at all, suddenly postponed the meeting of the Assembly which was due to assemble on 3 March. In the meantime the Indian plane had been hijacked, as the first step in a series to justify such a postponement. In hijacking the plane the military authorities in Pakistan were not aiming at Kashmir as a principal target but at East Pakistan. Yahya Khan was probably quite convinced that the action taken by the hijackers and the Pakistan Government would be supported by the Awami League. This would help him in creating a situation of great tension, short of war, between Pakistan and India, and this, in turn, would fully justify his postponement of the meeting of the Assembly till conditions were ripe for a constitution more suited to the armed forces and the economy and domination by West Pakistan. Unfortunately for him Mujib saw through the game, condemned the incident, supported India's demand for compensation, and demanded an official inquiry into the incident. Yahya Khan's effort to bring political leaders together, as he had attempted before, ended in smoke. This is not the end. The Chief Justice of the East Pakistan High Court refused to swear in the soldier Governor-Designate, Lieutenant General Tikka Khan; civil servants boycotted office; dock labour refused to handle military cargo; banks opened for a few hours but refused to remit any money to West Pakistan; communications, including posts and telegraphs, telephones and air flights were brought to a standstill. All this showed the amazing hold which Mujib had over the people. It was he who spelt out what non-cooperation meant, and they acted on it. The name of Pakistan Radio, Dacca was changed and the Province itself was described as "Bangla Desh." Yahya Khan had disturbed a hornet's nest.

Apparently Yahya Khan was marking time to enable Pakistan troops to arrive in East Pakistan. As re-inforcements arrived shooting began. On 22 March, Yahya Khan once again postponed the National Assembly and on 25 March hastened back to the security

of West Pakistan, instructing Tikka Khan to crush the civil disobedience movement. The Awami League was banned and Mujib and his party were condemned as "enemies" of Pakistan. Thus himself lacking any popular support, Yahya Khan plunged 75 million of East Pakistanis out of Pakistan's total population of 120 million into bloodshed, a planned, calculated bloodshed, a "genocide" as world opinion has described it. Thus began civil war.

It is noteworthy that Abdullah did not say a single word in criticism of the martial law authorities in East Pakistan, particularly of the several thousand people who were shot dead by the troops and thousands injured. One would have thought that here was something after his own heart. Did he not favour autonomy for Kashmir? Mujib is asking for no more. Did he not dream of independence? East Bengalis demanded an independent Bangla Desh. Why did Abdullah become tongue-tied? He is voluble by nature and claims to be an idealist. Is he a willing or an unwilling tool of Yahya Khan? It is for him to answer the question.

It is quite clear that the hijacked incident was part of a conspiracy, as Mujib immediately realized. Superficially, it was aimed at Jammu and Kashmir; as a short-term step, against East Pakistan; but as a long-term step, against India, because there was no other way, so the military leaders presumably argued in Pakistan, of involving East Pakistan in Indo-Pakistan disputes which can be kept alive only by fanning the flames of hatred and maintaining relations between the two nations at high tension. Incidentally, there was perhaps no other way in which Pakistan military leaders could continue to hold the reins of political authority in their own hands, thus ensuring power and prosperity for the Punjabi and Pathan elements in the services as well as in trade business and industry.

If this analysis is correct, issues of considerable importance arise. It means that Pakistan will continue to encourage the proliferation of Indo-Pakistan disputes which will defy solution, as they have defied solution for the last 24 years. It means that the road to happier relations between India and Pakistan will not be opened by paying too much attention to such disputes. Already the distribution of Ganga waters has been added to the list of grievances. Those who believe that friendly relations between the two countries are round the corner are ignoring history, Pakistan policy, India's efforts for conciliation, the three Indo-Pakistan wars, and Pakistan's

deliberate refusal to honour the provisions of the Tashkent Declaration, including the return of cargos seized by the Pakistan authorities during the 1965 conflict. It means that India's defence expenditure cannot be reduced, no matter what assurances Pakistan offers. Its record of honouring assurances has been dismal in the past. Pakistan's close relations with China point in the same direction.

It means that Pakistan is determined to hold down East Pakistan by all means, fair or foul. The conflict between East and West Pakistan on the one hand and between East Pakistan and the Pakistan Government on the other is bound to affect India, irrespective of the care the Indian Government may take. This is an issue which may have far-reaching consequences. Continuous military repression of people in East Pakistan with the consequent flood of refugees and staggering expenditure is bound to affect public opinion in Assam and West Bengal in particular, and in India in general.

It is also a challenge to Muslims in India. Do they have sympathies only with Muslims in West Pakistan? Or are their hearts also moved by the "genocide" of the people in East Pakistan, as leaders of Bangla Desh described the atrocities committed by West Pakistan troops in the eastern wing? And what about other Muslim countries and the United Nations? These leaders' appeal to the Security Council to stop the carnage in East Pakistan brings up a question of conscience for many people and many countries.

Finally, what Pakistan is doing will inevitably affect Kashmir in the long run, for an adventurous military regime will stop at nothing to maintain itself in power. Excuses are always available. The development of a subversive underground organization in Jammu and Kashmir mirrors its intentions. Not interested in the freedom of its own people, least of all in the freedom of the people of Jammu and Kashmir who enjoy much greater independence than Pakistan nationals have ever enjoyed since their country came into existence, the military regime in Pakistan shows no sign of giving up its expansionist policy.

Political adventures are always easy when the party in power is not answerable to anybody. Having tasted blood, the military regime in Pakistan is unlikely to part with power and the loaves and fishes of office which are now distributed among members of the defence forces. This is also true of civil servants. Visitors to West Pakistan are struck with the ostentatious wealth of politicians and civil

servants, the mass of the people groaning under the crushing weight of inflation. To divert popular attention, what is easier than an attack on Jammu and Kashmir, whether launched by irregulars or regulars? Pakistan has done it twice in the past and there is nothing to prevent it from doing it again.

What is happening in East Pakistan is also likely to affect the balance of power on the Indian subcontinent. At present, India has to maintain two armies, one for defence against West Pakistan in the West and another for defence against China in the East. This position is not likely to be altered if East Pakistan attains autonomy, but if it becomes a sovereign State, with its own army and air force, the picture may change, not because it will pose a threat to the security of India in the east, but because of East Pakistan's need to strengthen its defence against China. After all it was President Ayub Khan who propounded the theory that China might try to break through from the north into the Bay of Bengal. This might mean that part of the military strength which is maintained in the east by India against any possible adventure by Pakistan may be released for other areas. It might also mean that in the event of another war between Pakistan and India, the latter may be saved from the necessity of tying down its troops along its border with East Pakistan.

In such a contingency—namely of East Pakistan becoming independent—West Pakistan's military resources would be reduced. It would lose all the foreign exchange earners in East Pakistan—tea, jute, rice, to mention only a few. This would reduce Pakistan's GNP or its national wealth and, therefore, the revenue for its government. This, in turn, would reduce the allocation to defence in the Pakistan budget, and therefore, the striking power of its armed forces. True, much of all this is speculation; true, East Pakistan may not succeed in achieving independence; true, Yahya Khan may make amends and reverse the process which at present is driving the two wings of the country to disaster. But all these arguments ignore the harm which Yahya Khan's unimaginative policy has already done to relations between East Pakistan and West Pakistan. How far is Yahya Khan willing to agree to a weak Centre and how far is Mujibur Rehman prepared to add to its strength? This is the crucial question. Nobody knows the answer. But perhaps it can be said with some confidence that the new situation will not be the

same as it was before the Assembly was adjourned. The West Pakistan troops' mad behaviour, the heavy material loss and casualties suffered by the people in the eastern wing, the absence of any word of sympathy from the people of West Pakistan, let alone public condemnation of what the troops and Yahya Khan have done, the absence of an outcry against Bhutto who is party to the "genocide"—none of these will be forgotten in East Pakistan, least of all forgiven. And these factors will have a long-range effect on relations between the people of the two areas, as well as between the Government of East Pakistan and the Government of Pakistan. In the circumstances the effective military balance of power on the subcontinent is likely to be affected.

In eighteen weeks since Pakistan embarked on the cultural extinction of East Bengal, an appalling refugee problem has been created for India—7 million people have sought security in Tripura, Assam, and West Bengal, casting an intolerable burden on India's hard-pressed economy. Thousands of East Bengalis are pouring into India every day, and the total number of refugees is expected to rise to 10 million. This is an eloquent testimony to Yahya Khan's repeated claims of having restored normal conditions in East Pakistan and the silence of the USA and many other Western powers, not to mention States in West Asia, Africa, and the Far East, over the political issue. Some of them have dismissed the whole matter as an internal affair of Pakistan—an internal affair which, as Prime Minister Indira Gandhi has put it, has become an internal problem of India, indeed an international one. Not all the Western States have taken the elementary step of stopping all aid, military or economic, to Pakistan, if for no other reason than to stop further bloodshed in East Pakistan and the tide of refugees surging across the border into India. A few States have come out in the open like the UK, the USSR, whose President wrote a significant letter to Yahya Khan, and China which promptly supported Pakistan. Thanks to the pressure of world opinion, relief work has been taken up, though tardily, but the problem has Himalayan proportions, justifying U Thant's description of it as the greatest tragedy since the Second World War.

Meanwhile the two hijackers were arrested, an official news agency of Pakistan announcing that the police had begun an inquiry against them. The report came as a surprise, because a commission of inquiry appointed by the Government of Pakistan had already

absolved the two hijackers of blame.[31] In the middle of May Pakistan informed the Security Council that the two hijackers were "Indian nationals!" This was in direct contradiction of many earlier positions which Pakistan had taken.[32] Obviously, to Pakistan the facts did not matter, much less consistency. The only thing that mattered was how to checkmate India, right or wrong.

In other words, recent developments in East Pakistan have released forces which will not be easy to contain, since they involve the reactions of millions of people. It is these reactions which have every possibility of affecting East Pakistan's relations with the people of India, with consequences which are not easy to visualize in all their fullness. It is also these reactions which will affect India's relations with West Pakistan, with special reference to Kashmir. A popular government in West Pakistan may gradually begin to realize the futility of persisting in a "Hate India" policy and revise its attitude to Kashmir in the interests of its own welfare and survival. But if the Pakistan Army continues to hold the people down, and if the Head of State prides himself on being the descendant of Nadir Shah—and he well might considering the number of his own people he has killed, maimed and uprooted—no such change in popular view about Kashmir in particular and about India in general is possible. The road to armed conflict is, therefore, always open with the necessity of India keeping its powder dry. The danger is greater because of the continued influx of refugees whose relief and dispersal can make a tense situation more taut and bring it nearer the breaking point.

Finally, nothing has perhaps ever exposed Abdullah so completely as his significant silence over the hijacked plane and the misdeeds of the Pakistan Government in East Pakistan. Even, Vinoba Bhave and Jaya Prakash Narayan have found it difficult to stomach it. When he did open his mouth 53 days after the military crackdown in East Pakistan, he mildly criticized Yahya Khan but took Mujibur Rehman and India to task, the former for having acted "in unnecessary haste," the latter for having failed to play the role of an "arbitrator!"[33] His pranks may still continue to mislead some misguided individuals in India. But the public opinion at large will no longer be fooled

[31] *Times of India*, New Delhi, 22 April 1971.
[32] *The Statesman*, New Delhi, 16 May 1971.
[33] *Times of India*, New Delhi, 8 June 1971.

by his recipes about improving Indo-Pakistan relations. He is the proverbial wolf in sheep's clothing. He is unlikely to fool the people of Jammu and Kashmir either, for they have seen what the Pakistan Government can do to an overwhelming majority of its own people, in spite of common religion, and how it does not hesitate to use its troops, tanks and aircraft to ensure the use of a gold mine which East Pakistan is with its produce earning foreign exchange. Helotry in Pakistan—such is the fate to which he has been trying to commit the people of the State.[34]

This still leaves the question whether the Government of Jammu and Kashmir showed enough alertness in permitting *Al Fateh* to organize itself underground, or, even more important than this, whether the policy of liberalization has not proved bankrupt. In the matter of spies and intelligence, it is perhaps not an exaggeration to say that no Government in the world, not excluding any Communist Government, has been able to prevent the operation of such agencies on its soil. The point is not why they manage to function, the point is whether national intelligence agencies can catch up with them. Undeniably the underground organization in Kashmir was discovered and smashed up, and its principal operators rounded up. Perhaps the State Government should have acted earlier; perhaps it chose not to show its hand too soon. However, this is a matter on which many opinions can be held. The fact remains that the Pakistan spy ring was broken up.

Justifying the banning of the Plebiscite Front, Sadiq said that the policy of liberalization could not be allowed to be used as a "license" for anti-national activities. The main purpose of the policy was to give enough opportunity to those who questioned the finality of the State's accession to India to reconsider their position. Restrictions had to be imposed upon them when their activities became intolerable. The State Government had always maintained, he said, that while affording freedom of movement, assembly, and speech to the people, it would keep a careful watch on the activities of groups like the Plebiscite Front to prevent them from posing a threat to the peace and security of the State.[35]

[34] *Ibid.*, 24 April 1971. Sadiq: "The revolt in East Bengal has demolished each and every tenet of our adversaries whose misguided zeal for secession has led them to a sorry plight."

[35] *Ibid.*, 15 January 1971.

A little over a month later on 21 February, he reaffirmed the policy of normalization as intended to give opportunities to the people to exercise their democratic rights in the same manner as their fellow-countrymen enjoyed in other parts of the country. The policy having paid good dividends would continue and no change whatsoever would be made in it.[36]

Surely no other policy is possible in a democratic State.

[36] *Ibid.*, 22 February 1971. He reiterated this position time and again. (*Ibid.*, 18 March and 22 March 1971; also 24 April 1971.)

APPENDIX I

AMRITSAR TREATY

Treaty between the British Government on the one part and Maharajah Gulab Sing of Jummoo on the other, concluded on the part of the British Government by Frederick Currie, Esquire, and Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Right Honourable Sir Henry Hardinge, G.C.B., one of Her Britannic Majesty's Most Honourable Privy Council, Governor-General, appointed by the Honourable Company to direct and control all their affairs in the East Indies, and Maharajah Gulab Singh in person—1846.

ARTICLE 1

The British Government transfers and makes over for ever, in independent possession, to Maharajah Gulab Sing and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus and westward of the river Ravee, including Chumba, and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State, according to the provisions of Article IV of the Treaty of Lahore, dated 9th March 1846.

ARTICLE 2

The eastern boundary of the tract transferred by the foregoing Article to Maharajah Gulab Sing shall be laid down by Commissioners appointed by the British Government and Maharajah Gulab Sing respectively for that purpose, and shall be defined in a separate Engagement after survey.

ARTICLE 3

In consideration of the transfer made to him and his heirs by the provisions of the foregoing Articles, Maharaj Gulab Sing will pay to the British Government the sum of seventy-five lakhs of rupees (Nanukshahee), fifty lakhs to be paid on ratification of this Treaty, and twenty-five lakhs on or before the first October of the current year, A.D. 1846.

ARTICLE 4

The limits of the territories of Maharajah Gulab Sing shall not be any time changed without the concurrence of the British Government.

ARTICLE 5

Maharajah Gulab Sing will refer to the arbitration of the British Government any disputes or questions that may arise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decision of the British Government.

ARTICLE 6

Maharajah Gulab Sing engages for himself and heirs to join, with the whole of his Military Force, the British troops, when employed within the hills, or in the territories adjoining his possessions.

ARTICLE 7

Maharajah Gulab Sing engages never to take or retain in his service, any British subject, nor the subject of any European or American State, without the consent of the British Government.

ARTICLE 8

Maharajah Gulab Sing engages to respect, in regard to the territory transferred to him, the provisions of Articles V, VI, and VII of the separate Engagement between the British Government and the Lahore Durbar, dated March 11th, 1846.

ARTICLE 9

The British Government will give its aid to Maharajah Gulab Sing in protecting his territories from external enemies.

ARTICLE 10

Maharajah Gulab Sing acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve perfect shawl goats* of approved breed (six male and six female), and three pairs of Cashmere shawls.

*In 1859 it was arranged by mutual consent that the Maharajah should present, instead of three pairs of long shawls, three square shawls.

On the 13 March 1884, it was further arranged by mutual consent that the Maharajah should present, instead of 12 goats, 10 lbs of pashm in its natural state as brought to Kashmir from Leh, 4 lbs of packed and assorted black wool, 4 lbs ditto ditto grey wool, 4 lbs ditto ditto white wool, and 1 lb of each of the three best qualities of white yarn. On the 16 May 1893, the Government of India decided that the horse, trappings, pashm and yarn which formed a portion of the annual tribute from the Kashmir State would no longer be required; and in 1929 it consisted of three square and two long shawls. The two later were in origin a personal present sent of his own accord by Maharajah Ranbir Singh to Her Majesty Queen Victoria.

This Treaty, consisting of ten articles, has been this day settled by Frederick Currie, Esquire, and Brevet-Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B., Governor-General on the part of the British Government, and by Maharajah Gulab Sing in person: and the said Treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G.C.B., Governor-General.

Done at Umritsar, the sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-six, corresponding with the seventeenth day of Rubee-ool-awul 1262 Hijree.

H. HARDINGE

F. Currie
H.M. Lawrence

By order of the Right Honourable the Governor-General of India.

F. CURRIE
Secretary to the Government of India, with the Governor-General

APPENDIX II

SHEIKH MOHAMMED ABDULLAH'S INAUGURAL ADDRESS TO THE JAMMU AND KASHMIR CONSTITUENT ASSEMBLY

The following are extracts from the inaugural address of Sheikh Mohammed Abdullah to the Jammu and Kashmir Constituent Assembly on 5 November 1951:

After centuries, we have reached the harbour of our freedom, a freedom which, for the first time in history, will enable the people of Jammu and Kashmir, whose duly elected representatives are gathered here, to shape the future of their country after wise deliberation, and mould their future organs of Government.

When we look back on these years, we see how our footsteps have taken us not among the privileged, but into the homes of the poor and downtrodden. We have fought their battle against privilege and oppression and against those darker powers in the background which sought to set man against man on the ground of religion. Our movement grew and thrived side by side with the Indian National Congress and gave strength and inspiration to the people of the Indian States.

I may be forgiven if I feel proud that once again in the history of this State, our people have reached a peak of achievement through what I might call the classical Kashmiri genius for synthesis, born of toleration and mutual respect. Throughout the long tale of our history the highest pinnacles of our achievement have been scaled when religious bigotry and intolerance ceased to cramp us, and we have breathed the wider air or brotherhood and mutual understanding.

You are no doubt aware of the scope of our present constitutional ties with India. We are proud to have our bonds with India, the goodwill of whose people and Government is available to us in unstinted and abundant measure. The Constituton of India has provided for a federal union, and in the distribution of sovereign powers has treated us differently from other constituent units. With the exception of the items grouped under Defence, Foreign Affairs and Communication in the Instrument of Accession, we have complete freedom to frame our Constitution in the manner we like. In order to live and prosper as good partners in a common endeavour for the advancement of our peoples, I would advise that, while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel Federal co-operation and assistance to this great task, as well as offer our fullest co-operation and assistance to the Union.

The future political set-up which you decide upon for Jammu and Kashmir must

also take into consideration the existence of various sub-national groups in our State. Although culturally diverse, history has forged an uncommon unity between them; they all are pulsating with the same hopes and aspirations, sharing in each other's joy and sorrows. While guaranteeing this basic unity of the State, our Constitution must not permit the concentration of power and privilege in the hands of any particular group or territorial region. It must afford the fullest possibilities to each of these groups to grow and flourish in conformity with their cultural characteristics, without detriment to the integral unity of the State or the requirements of our social and economic policies.

On Martyrs' Day, the 13th of July, 1950, the Government declared its policy of liquidating the big landed estates and transferring land to the tillers of the soil. On the 17th of October 1950 was enacted the Big Landed Estates Abolition Act. By this Act, the right of ownership in respect of lands in excess of 22-3/4 acres of land, excluding orchards, grass and fodder farms and fuel reserves, was abolished and such land was decreed to be transferred to the actual tillers to the extent of their possession. In this way, the right of the cultivator to the ownership of land in his possession was recognised and enforced and no new class of intermediaries or rent-receivers was allowed to come into being. The abolition of of landlordism is thus an accomplished fact and there is no going back on the decision already taken. The Big Landed Estates Abolition Act, however, provides for the Constituent Assembly to settle the question of compensation with respect to the land from which expropriation has taken place. That question is now before you for decision.

Finally, we come to the issue which has made Kashmir an object of world interest, and has brought her before the forum of the United Nations. This simple issue has become so involved that people have begun to ask themselves, after three and a half years of tense expectancy, 'Is there any solution?' Our answer is in the affirmative. Everything hinges round the genuineness of the will to find a solution. If we face the issue straight, the solution is simple.

The problem may be posed in this way. Firstly, was Pakistan's action in invading Kashmir in 1947 morally and legally correct, judged by any norm of international behaviour? Sir Owen Dixon's verdict on this issue is perfectly plain. In unambiguous terms he declared Pakistan an aggressor. Secondly, was the Maharajah's accession to India legally valid or not? The legality of the accession has not been seriously questioned by any responsible or independent person or authority.

These two answers are obviously correct. Then where is the justification of treating India and Pakistan at par in matters pertaining to Kashmir? In fact, the force of logic dictates the conclusion that the aggressor should withdraw his armed forces, and the United Nations should see that Pakistan gets out of the State.

In that event, India herself, anxious to give the people of the State a chance to express their will freely, would willingly cooperate with any sound plan of demilitarization. They would withdraw their forces, only garrisoning enough posts to ensure against any repetition of that earlier treacherous attack from Pakistan.

These two steps would have gone a long way to bring about a new atmosphere in the State. The rehabilitation of displaced people, and the restoration of

stable civic conditions would have allowed people to express their will and take the ultimate decision.

We as a Government are keen to let our people decide the future of our land in accordance with their own wishes. If these three preliminary processes were accomplished, we should be happy to have the assistance of international observers to ensure fair play and the requisite conditions for a free choice by the people.

Instead invader and defender have been put on the same plane. Under various garbs, attempts have been made to sidetrack the main issues. Sometimes, against all our ideals of life and way of living, attempts to divide our territories have been made in the form of separation of our State religion-wise, with ultimate plans of further disrupting its territorial integrity. Once an offer was made to police our country with Commonwealth forces, which threatens to bring in Imperial control by the back door. Besides the repugnance which our people have, however, to the idea of inviting foreign troops on their soil, the very presence of Commonwealth troops could have created suspicions among our neighbours that we were allowing ourselves to be used as base of possible future aggression against them. This could easily have made us into a second Korea.

Throughout the struggles that the people of Kashmir waged against autocracy, we should never forget that the Muslim League leadership had completely dissociated itself from them, and that, during the upsurge of 1946, their local party organs had assisted the administration to suppress the movement.

At this crucial time, then, Pakistan was under strict cover of secrecy, perfecting her own plans, and the *Dawn*, the Muslim League official organ in Karachi, was appealing to the Maharajah to accede to Pakistan on the grounds that he would have far greater freedom there than in India.

It was at this stage, taking advantage of the isolation of the Kashmiris from the rest of the world, that Pakistan imposed an economic blockade upon us with a view to starving us into submission. Attempts were made even to excite communal hatred to disrupt our peaceful civic life. Even in the face of such provocation, the National Conference, I am proud to say, took an objective and democratic stand. Immediately on my release from imprisonment, I clarified the issue at a mass meeting in Srinagar. The first and fundamental issue before us was the establishment of a popular Government. Our objective might be summarised as "Freedom First". Then alone could we as a free people decide our future associations through accession. I also made it clear that the National Conference would consider this issue without prejudice to its political friends and opponents, and strictly in accordance with the best interests of the country as a whole. I said that, in the state of tension and conflict that obtained both in India and Pakistan, it was difficult for the people here and now to predict what the final shape of both would be.

You will realise, therefore, that we could not be accused of being partial to one side or the other. During that period we openly discussed the matter with representatives of the Muslim League who had come to Srinagar for this purpose. We even sent one of our representatives to Lahore to acquaint the authorities in Pakistan with our point of view. We were thus still struggling against autocracy and for freedom when the State was suddenly invaded from the side of Pakistan.

The tribesmen who attacked the State in thousands, killed, burned, looted and destroyed whatever came their way, and in this savagery no section of the people could escape. Even the nuns and nurses of a Catholic Mission were either killed or brutally maltreated. As these raiders advanced towards Srinagar, the last vestige of authority, which lay in the person of the Maharajah, suddenly disappeared from the Capital. This created a strange vacuum, and would have certainly led to the occupation of the whole State by Pakistani troops and tribesmen, if, at this supreme hour of crisis, the entire people of Kashmir had not risen like a solid barrier against the aggressor. They halted his onrush, but could not stop him entirely as the defenders had not enough experience, training and equipment to fight back effectively. There is no doubt that some of them rose to great heights of heroism during these fateful days.

When the raiders were fast approaching Srinagar, we could think of only one way to save the State from total annihilation—by asking for help from a friendly neighbour. The representatives of the National Conference, therefore, flew to Delhi to seek help from the Government of India. But the absence of any constitutional ties between our State and India made it impossible for her to render us any effective assistance in meeting the aggressor. As I said earlier, India had refused to sign a Standstill Agreement with the State on the ground that she could not accept such an Agreement until it had the approval of the people. But now, since the people's representatives themselves sought an alliance, the Government of India showed readiness to accept it. Legally the Instrument of Accession had to be signed by the Ruler of the State. This the Maharajah did. While accepting that accession, the Government of India said that she wished that "as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by reference to the people."

Actuated by a sincere desire to avoid bloodshed and further conflict, the Government of India approached the Security Council in 1948, with a plaint against Pakistan. The request was simple. The contention of India was that Pakistan was responsible for the invasion of Kashmir and was continuing to help the raiders who had been employed as mercenaries for this purpose. And it was further said, that, legally bound as India was to clear the Jammu and Kashmir State of raiders, she might be constrained to pursue the invaders to their bases in Pakistan, which might lead to a still bigger conflagration. India, therefore, wanted the Security Council to dispose of the case as quickly as possible in the interests of world peace. If this had been done, conditions would have *ipso facto* come into being when the people of Jammu and Kashmir would have expressed their will with regard to the continuance of the succession to the Dominion they had joined. This was not to be.

As a realist I am conscious that nothing is all black or all white, and there are many facets to each of the propositions before us. I shall first speak on the merits and demerits of the State's accession to India. In the final analysis, as I understand it, it is the kinship of ideals which determines the strength of ties between two States. The Indian National Congress has consistently supported the cause of the State's people's freedom. The autocratic rule of the Princes has been done away with and representative governments have been entrusted with

the administration. Steps towards democratisation have been taken and these have raised the people's standard of living, brought about much needed social reconstruction, and, above all, built up their very independence of spirit. Naturally, if we accede to India there is no danger of a revival of feudalism and autocracy. Moreover, during the last four years, the Government of India has never tried to interfere in our internal autonomy. This experience has strengthened our confidence in them as a democratic State.

The real character of a State is revealed in its Constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India, where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of Imperialism, and no modern State can afford to encourage artificial divisions if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State, which is a throwback to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, colour, caste, and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle which seeks to favour the interests of one religion or social group against another. This affinity in political principles, as well as in past association, and our common path of suffering in the cause of freedom, must be weighed properly while deciding the future of the State.

We are also intimately concerned with the economic well-being of the people of this State. As I said before while referring to constitution-building, political ideals are often meaningless unless linked with economic plans. As a State, we are concerned mainly with agriculture and trade. As you know, and as I have detailed before, we have been able to put through our "land to the tiller" legislation and make of it a practical success. Land and all it means is an inestimable blessing to our peasants who have dragged along in servitude to the landlord and his allies for centuries without number. We have been able under present conditions to carry these reforms through; are we sure that in alliance with landlord-ridden Pakistan, with so many feudal privileges intact, that these economic reforms of ours will be tolerated? We have already heard that news of our Land Reforms has travelled to the peasants of the enemy-occupied area of our State, who vainly desire a like status and like benefits. In the second place, our economic welfare is bound up with our arts and crafts. The traditional markets for these precious goods, for which we are justly known all over the world, have been centred in India. The volume of our trade, in spite of the dislocation of the last few years, shows this. Industry is also highly important to us. Potentially we are rich in minerals, and in the raw materials of industry; we need help to develop our resources. India, being more highly industrialised than Pakistan, can give us equipment, technical services and materials. She can help us too in marketing. Many goods also which it would not be practical for us to produce here—for instance, sugar, cotton cloth, and other essential commodities—can be got by us in large quantities from India. It is around the

efficient supply of such basic necessities that the standard of living of the man-in-the-street depends.

...It may be pointed out that accession to India will open up possibilities of utilising our forest wealth for industrial purposes and that, instead of lumber, finished goods, which will provide work for our carpenters and labourers, can be exported to India where there is a ready market for them. Indeed in the presence of our fleets of timber-carrying trucks, river-transport is a crude system which inflicts a loss of some 20 per cent to 35 per cent in transit.

Still another factor has to be taken into consideration. Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State wherein the interests of Muslims will be jeopardised. This would happen if a communal organisation had a dominant hand in the Government, and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession of Kashmir to India should, however, help in defeating this tendency. From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the major factor in stabilising relations between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase, "I lift up mine eyes unto the hills, from whence cometh my help."

As I have said before, we must consider the question of accession with an open mind, and not let our personal prejudices stand in the way of a balanced judgement. I will now invite you to evaluate the alternative of accession to Pakistan.

The most powerful argument which can be advanced in her favour is that Pakistan is a Muslim State, and, a big majority of our people being Muslims the State must accede to Pakistan. This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying by these methods to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question. Sentiment has its own place in life, but often it leads to irrational action. Some argue, as supposedly natural corollary to this, that on our acceding to Pakistan our annihilation or survival depends. Facts have disproved this. Right-thinking men would point out that Pakistan is not an organic unity of all the Muslims in this sub-continent. It has, on the contrary, caused the dispersion of the Indian Muslims for whose benefit it was claimed to have been created. There are two Pakistans at least a thousand miles apart from each other. The total population of Western Pakistan, which is contiguous to our State, is hardly 25 million, while the total number of Muslims resident in India is as many as 40 million. As one Muslim is as good as another, the Kashmiri Muslims if they are worried by such considerations should choose the forty million living in India.

Looking at the matter too from a more modern political angle, religious affinities alone do not and should not normally determine the political alliances of States. We do not find a Christian bloc, a Buddhist bloc, or even a Muslim bloc, about which there is so much talk nowadays in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of States.

We have another important factor to consider, if the State decides to make this the predominant consideration. What will be the fate of the one million non-Muslims now in our State? As things stand at present, there is no place for them in Pakistan. Any solution which will result in the displacement or the total subjugation of such a large number of people will not be just or fair, and it is the responsibility of this House to ensure that the decision that it takes on accession does not militate against the interests of any religious group.

As regards the economic advantages, I have mentioned before the road and river links with Pakistan. In the last analysis, we must, however, remember that we are not concerned only with the movement of people but also with the movement of goods and the linking up of markets. In Pakistan there is a chronic dearth of markets for our products. Neither, for that matter, can she help us with our industrialisation, being herself industrially backward.

On the debit side we have to take into account the reactionary character of her politics and State policies. In Pakistan, we should remember that the lot of the State's subjects has not changed and they are still helpless and under the heel of their Rulers, who wield the same unbridled power under which we used to suffer here. This clearly runs counter to our own aspirations for freedom.

On this historic day, we remember the Prime Minister of India, our cherished friend and never-failing comrade on this difficult journey and, besides, an illustrious son of Kashmir, the many friends in India and some even in Pakistan, who in the years before partition, helped us forward. We remember the Ahrars who went to jail in their thousands for us; Badshah Khan and our friends of the Frontier, now in jail and fighting for their own freedom. Nor can we ever forget our kith and kin across the cease-fire line who are at present living under the heel of the enemy. Their welfare is always dear to us and we shall continue to regard them as an integral part of ourselves.

APPENDIX III

AREA, POPULATION AND DENSITY—BASED ON 1961 CENSUS

	Area Sq. Kms.	*No. of Towns*	*No. of Villages*	*Population*	*Density (population) Per Sq. Km.*
1	*2*	*3*	*4*	*5*	*6*
Jammu	26089.4	24	3485	1572887	60
Doda	11344.7	6	661	268403	24
Udhampur	4484.9	4	627	254061	57
Jammu	3233.8	7	1050	516932	160
Kathua	2651.2	4	585	207430	78
Poonch	4374.8	3	562	326061	75
Kashmir	15120.3	18	3003	1899438	126
Anantnag	5430.9	6	1222	654368	120
Srinagar	3121.2	3	714	640411	205
Baramulla	6568.2	9	1067	604659	92
Ladakh	97782.4	1	238	88651	0.9
TOTAL	138992.1	43	6726	3560976	26

N.B.: The figures exclude the area under unlawful occupation of Pakistan and China, where census could not be taken, and its population.

SOURCE: Appendixes III to X are reproduced from the Report of the Jammu and Kashmir Commission of Inquiry, 1968.

APPENDIX IV

PERCENTAGE DISTRIBUTION OF POPULATION BY LANGUAGES SPOKEN—BASED ON 1961 CENSUS

Region/Language	*Kashmiri*	*Punjabi*	*Dogri*	*Ladakhi*	*Budhi*	*Bakarwali*	*Gojri*	*Others*	*Total*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
Jammu	11.3	4.9	55.1	—	0.1	0 4	9.2	19.0	100 0
Doda	44.5	0.3	7.0	..	0.2	0.2	9.3	38.5*	100 0
Udhampur	8.8	1.4	77.6	..	..	1.0	10.0	1.2	100.0
Jammu	2.1	11.6	80 6	—	..	0.1	1.1	4.5	100.0
Kathua	1.8	1.9	92.3	—	..	0.3	1.6	2.1	100.0
Poonch	6.6	2.5	13.2	—	..	0.5	26.2	51.0**	100.0
Kashmir	90.4	1.7	0.1	—	—	..	3.4	4.4	100.0
Anantnag	93.3	1.1	0.1	—	..	..	4.2	1.3	100.0
Srinagar	95.1	1.6	0.1	—	—	..	2.2	1.0	100.0
Baramulla	82 3	2.5	—	—	..	..	3.9	11.3	100 0
Ladakh	0.7	0.2	0.2	56.2	2.4	..	..	40.3†	100.0
TOTAL	53.3	3.1	24.4	1.4	0.1	0.2	5.9	11.6	100.0

..Nil — Negligible.

*Bhadrawahi, 12.3 per cent; Pahari—unspecified, 6.0 per cent; Siraji-Kashmiri, 7.4 per cent; Kishtwari, 4.3 per cent.

**Pahari-unspecified, 48.3 per cent; Urdu, 1.9 per cent.

‡Balti, 37.1 per cent; Tibetan, 2.1 per cent.

APPENDIX V

PLAN OUTLAY AND CENTRAL ASSISTANCE—STATEWISE

(In crores of rupees)

State	*First Plan*			*Second Plan*			*Third Plan (provisional)*		
	Plan Outlay	*Central Assistance*	*Col. (3) as % of Col. (2)*	*Plan Outlay*	*Central Assistance*	*Col. (6) as % of Col. (5)*	*Plan Outlay*	*Central Assistance*	*Col. (9) as % of Col. (8)*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
1. Andhra Pradesh	107	61	57.0	181	96	53.0	349	220	63.0
2. Assam	28	22	78.6	63	31	49.2	132	100	75.8
3. Bihar	102	55	53.9	177	84	47.5	332	216	65.1
4. Gujarat	99	32	32.3	147	50	34.0	240	112	46.7
5. Jammu & Kashmir	11.52	10	86.8	31.20	20	64.1	64.09	62	96.7
6. Kerala	44	24	54.5	79	38	48.1	182	122	67.0
7. Madhya Pradesh	94	61	64.9	145	96	66.2	287	219	76.3
8. Madras	85	42	49.4	187	95	50.8	342	187	54.7
9. Maharashtra	125	48	38.4	214	74	34.6	435	167	38.4
10. Mysore	94	47	50.0	139	67	48.2	264	156	59.1
11. Nagaland	—	—	—	—	—	—	11	11	100.0
12. Orissa	85	77	90.6	89	66	74.2	224	137	61.2
13. Punjab	163	141	86.5	151	88	58.3	252	134	53.2
14. Rajasthan	66	60	90.9	100	59	59.0	213	161	75.6
15. Uttar Pradesh	166	87	52.4	228	121	53.1	557	356	63.9
16. West Bengal	154	113	73.4	156	73	46.8	305	155	50.8

NOTE: The figures of plan outlay shown for Jammu and Kashmir have been furnished by the State Government. The figures for the other States are those furnished by the Union Ministry of Finance.

APPENDIX VI

DEVELOPMENT PROGRAMME (PLAN) SECOND YEAR PLAN

(In lakhs of rupees)

S. No.	*Head of Development*	*Total Plan Outlay*	*Jammu Region*	*Kashmir Region*	*Common to Jammu and Kashmir Regions*	*Ladakh Region*	*Total*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*
1.	Agricultural Programmes	267.74	66.49	88.10	12.11	—	166.70
2.	Co-operation & C.D.	228.78	170.00	173.81	2.99	—	346.80
3.	Irrigation	495.45	115.11	250.45	—	—	365.56
4.	Power	329.24	152.68	219.06	—	—	371.74
5.	Village and Small Scale Industries	341.24	18.90	79.33	103.46	—	201.69
6.	Industry and Mining						
7.	Transport and Communications	665.00	502.31	295.86	6.52	—	804.69
8.	Education	281.68	94.05	99.98	18.43	—	212.46
9.	Health	285.00	79.03	72.32	17.70	—	169.05
10.	Water Supply (Rural)	81.07	59.47	21.63	—	—	81.10
11.	Urban Water Supply	—	19.62	15.12	—	—	34.74
12.	Housing	95.00	43.46	58.60	—	—	102.06
13.	Labour and Labour Welfare	9.97	4.66	4.94	—	—	9.60
14.	Welfare of Scheduled Castes and other Backward Classes	38.95	33.32	4.85	—	—	38.17
15.	Social Welfare	21.47	1.79	1.74	—	—	3.53
16.	Development of Backward Areas	94.73	—	23.67	—	86.65	110.32
17.	Local Bodies	132.05	24.34	63.16	—	—	87.50
18.	Plan Publicity	15.20	—	—	11.43	—	11.43
19.	Statistical Schemes	9.50	—	—	3.06	—	3.06
	TOTAL	3392.07	1385.23	1472.62	175.70	86.65	3120.20

APPENDIX VI *(Contd.)*

1.	Agriculture Programmes excluding minor Irrigation	675.40	165.02	260.99	24.86	—	450.87
2.	Co-operation and C.D.	513.51	156.18	142.76	168.83	—	467.77
3.	Irrigation (including minor Irrigation)	1625.00	169.05	527.16	120.98	—	817.19
4.	Power	997.00	539.53	379.05	40.85	—	959.43
5.	Village and Small Scale Industries	906.00	—	—	864.07	—	864.07
6.	Industry and Mining						
7.	Transport and Communications	931.59	412.05	494.51	97.01	—	1003.57
8.	Education (including Cultural Activities)	498.02	234.99	325.61	—	—	560.60
9.	Health and Family Planning	351.00	140.13	208.43	8.41	—	356.97
10.	Water Supply (*a*) Rural	227.44	117.26	122.98	—	—	240.24
	(*b*) Urban	—	61.32	84.98	—	—	146.30
11.	Housing	200.00	54.32	126.84	—	—	181.16
12.	Labour and Labour Welfare	30.00	15.29	11.78	—	—	27.07
13.	Welfare and Scheduled Castes and other Backward Classes	24.00	30.68	12.46	—	—	43.14
14.	Social Welfare	13.69	4.03	2.30	—	—	6.33
15.	Public Cooperation	4.45	0.29	—	—	—	0.29
16.	Area Development	402.00	—	50.35 (Sonarwari)	—	147.36	197.71
17.	Local Bodies	75.00	17.74	45.23	—	—	62.97
18.	Plan Publicity	13.00	—	—	8.48	—	8.48
19.	Government Presses	5.00	1.81	1.35	—	—	3.16
20.	Statistical Schemes	7.90	—	—	1.47	—	1.47
21.	Metric System of Weights	—	—	—	10.55	—	10.55
	TOTAL	7500.00	2119.69	2796.78	1345.51	147.36	6409.34

APPENDIX VII

BREAKDOWN OF BUDGETARY RESOURCES—1960-61

(In Lakhs of Rupees)

S. No.	*Head*	*Jammu*	*Kashmir*	*Ladakh*	*Total*
1.	Forests	190.72	171.13	0.16	362.01
2.	Excise	30.78	10.72	—	41.50
3.	Entertainment Tax	2.81	2.16	—	4.97
4.	Show Tax	—	—	—	—
5.	Road Toll Basic	24.66	16.43	—	41.09
6.	Road Toll Addl.	27.29	32.41	1.71	61.41
7.	Sales Tax (Gen)	5.60	4.83	—	10.43
8.	Sales Tax (Motor Spirit)	9.27	4.92	—	14.19
9.	Passenger Tax	—	—	—	—
10.	Property Tax	—	—	—	—
11.	Stamps	5.38	7.82	0.05	13.25
12.	Electricity	6.56	(—)6.56	—	—
13.	Irrigation	4.44	1.00	—	5.44
14.	Rents and Misc. P.W.D. Receipts	2.35	12.03	—	14.38
15.	Land Revenue	24.65	42.10	0.97	67.72
16.	Fees under Motor Vehicles Act	0.52	1.77	—	2.29
17.	Taxes under Motor Vehicles Taxation Act	4.05	3.10	—	7.15
18.	Transport	46.73	15.58	—	62.31
19.	Water Rates	3.40	3.50	—	6.90
	TOTAL	389.21	322.94	2.89	715.04

APPENDIX VII—*(Contd.)*

1965-66

(In Lakhs of Rupees)

S. No.	*Head*	*Jammu*	*Kashmir*	*Ladakh*	*Total*
1.	Forests	137.19	177.40	N.A.	314.59
2.	Excise	72.63	17.96	—	90.59
3.	Entertainment Tax	4.22	3.26	—	7.48
4.	Show Tax	0.38	0.22	—	0.60
5.	Road Toll Basic	51.37	34.25	—	85.62
6.	Road Toll Addl	71.30	84.64	4.46	160.40
7.	Sales Tax (Gen)	35.44	16.10	—	51.54
8.	Sales Tax (Motor Spirit)	13.36	13.50	—	26.86
9.	Passenger Tax	4.72	6.35	—	11.07
10.	Property Tax	1.07	0.92	—	1.99
11.	Stamps	7.63	13.20	0.11	20.94
12.	Electricity	3.30	32.03	—	35.33
13.	Irrigation	3.47	2.00	—	5.47
14.	Rents and Misc. P.W.D. Receipts	6.25	10.70	—	16.95
15.	Land Revenue	18.29	24.27	1.08	43.64
16.	Fees under Motor Vehicles Act	6.23	9.13	—	15.36
17.	Taxes under Motor Vehicles Taxation Act	9.17	7.59	—	16.76
18.	Transport	5.83	6.19	0.07	12.09
19.	Public Health	2.13	2.19	—	4.32
	TOTAL	453.98	461.90	5.72	921.60

APPENDIX VIII

PROGRESS OF EDUCATION

S. No.	*Heading*	*Position in 1950-51*	*Position in 1965-66*
1.	Number of Primary Schools	1,182	4,504
2.	Number of Middle Schools	149	1,131
3.	Number of High and Higher Secondary Schools	44	422
4.	Enrolment:		
	(*a*) 6–11 years of age	56,000	2,91,000
	(*b*) 11–14 years of age	21,100	87,000
	(*c*) 14–17 years of age	4,020	41,300

APPENDIX IX

PERCENTAGE DISTRIBUTION OF POPULATION BY RELIGION—BASED ON 1961 CENSUS

Region/Religion	*Hindus*	*Muslims*	*Sikhs*	*Christians*	*Buddhists*	*Jains*	*Total*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*
Jammu	58.7	38.1	2.9	0.2	—	0.1	100.0
Doda	34.6	65.0	0.2	—	0.2	..	100.0
Udhampur	65.1	33.9	0.9	0.1	..	..	100.0
Jammu	83.0	10.0	6.3	0.4	—	0.3	100.0
Poonch	18.0	79.5	2.5	—	..	..	100.0
Kathua	85.7	13.0	1.2	0.1	..	—	100.0
Kashmir	4.7	94.4	0.9	—	—	—	100.0
Anantnag	3.7	95.4	0.9	—	..	—	100.0
Srinagar	8.3	90.7	1.0	—	—	—	100.0
Baramulla	2.0	97.3	0.7	—	—	..	100.0
Ladakh	0.7	45.4	0.1	—	53.8	..	100 0
TOTAL	28.4	68.3	1.8	0.1	1.4	—	100.0

..Nil.
—Negligible.

APPENDIX X

PROPORTION OF WORKERS IN DIFFERENT INDUSTRIES—BASED ON 1961 CENSUS

Region	*Total Workers as percent of population*	*As Cultivator*	*As Agricultural Labourer*	*Mining, Quarrying etc.*	*Household Industry*	*Manufacturing other than household industry*	*Construction*	*Trade and Commerce*	*Transport, Storage and Communications*	*Other Services*
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*
Jammu	41.5	75.8	1.1	1.9	7.0	1.0	0.8	2.2	0.7	9.5
Doda	55.3	83.7	0.4	2.5	8.8	0.3	0.3	0.7	0.1	3.2
Udhampur	50.8	80.4	0.4	1.4	10.6	0.3	0.3	1.4	0.2	5.0
Jammu	32.3	58.1	2.6	1.3	3.0	3.0	1.9	5.1	2.1	22.9
Kathua	40.8	75.9	1.2	3.0	7.1	0.7	0.8	1.9	0.6	8.8
Poonch	38.0	85.4	0.7	1.8	6.3	0.4	0.2	0.9	0.2	4.1
Kashmir	42.7	74.9	1.3	1.5	5.6	3.3	0.4	2.3	1.1	9.6
Anantnag	43.9	81.8	1.5	1.4	6.8	1.2	0.4	1.7	0.5	4.7
Srinagar	37.9	56.2	1.0	1.5	6.4	8.3	0.6	4.3	2.6	19.1
Baramulla	46.7	84.1	1.4	1.6	3.8	1.0	0.2	1.3	0.3	6.3
Ladakh	66.1	85.3	0.5	1.3	7.6	0.3	1.1	0.7	0.1	3.1
TOTAL	42.8	75.7	1.2	1.7	6.3	2.2	0.6	2.2	0.8	9.3

APPENDIX XI

EXTRACTS FROM REPORT OF THE COMMISSION OF INQUIRY (AYYANGAR COMMISSION)

36.8 I would first refer to the "Rules of Business":

(1) Under the present set of rules, though normally no matter could be brought up before the Council of Ministers without a memorandum explaining the facts of the case and the resolution to be passed suggested being circulated among the Ministers, an exception is made whereby the Chief Minister might permit a matter being brought up without such a memorandum. I can well imagine cases of urgency, where immediate administrative action is necessary and which under the rules would require Cabinet sanction. On the language of the rule as it stands, the exception is rather vague and much too flexible. If the rule stated with precision the cases in which this deviation from the normal practice might take place, it would tend to prevent its abuse. When suggesting this, I have in mind a case like what happened in the case of the lease to Ghulam Jeelani at the meeting of the Cabinet on 29th December, 1960 (in Allegation 9). The subject of this lease was not on the agenda, there was no memorandum in relation to it and there could be none for the application was still in the process of being considered in the Secretariat and yet the Cabinet sanctioned it as if it were a part of the subject of the lease of Nedous, which it was not. Certainly there was no urgency in the granting of that application, and if there were a rule on the lines I have indicated, the subject could not have been brought up and decided.

(2) Though the existing Rules of Business do require that every matter which has financial implications, as touching the revenues or properties of the State, should pass through the Finance Department, the ease with which this scrutiny has been avoided has in my opinion contributed to the facility with which favours have been shown to the relations of the respondent. To remedy this situation, I would suggest the following:

(i) When any Secretary or Minister suggests that though a matter is required by the rules to obtain the concurrence of the Finance Department, still the file or proposal need not be circulated to it, he should be required to record his reasons, why he suggests a deviation from the normal. Sometimes it is said that the Finance Department signifies and symbolises "red-tape" and that to cut it would be salutary, but I am not one of those

who share this opinion. Though too much of red-tape is a drag on speed and even efficiency, some (*p. 713*) amount of objective and detailed examination and scrutiny is desirable and necessary before decisions having financial implications involving loss to Government or gain to parties is taken. A distinction should be drawn between the delay entailed by mature consideration which is needed to lay down a policy or to take a decision, and formalities that impede the implementation of the policy or decision. While the former is desirable and necessary it is the latter that should be cut down.

(*ii*) Every memorandum prepared for the Cabinet which contains proposals, which under the rules are required to obtain the concurrence of the Finance Department, but in regard to which there has been no circulation to that Department to ascertain its views, should be required to state specifically, this fact, together with the reasons why it has not been considered necessary to obtain the views of the Finance Department.

(3) I do not consider the rule regarding the concurrence of the Finance Minister at the Cabinet meeting as being a substitute for circulation to the Finance Department, as it exists now, to be a well considered one. In the first place, it is not fair and I should say it would be embarrassing for a Finance Minister to be asked to express some opinion on the spur of the moment for this opinion could not be a reasoned one after due deliberation. Secondly, he is not likely to have the materials before him for a critical examination of the question. Hence, it would really be unfair to ask for his assent at the Council meeting without a preliminary examination by his Department. Lastly, it might be that the Minister in charge of the Department which put up the proposal also holds the Finance portfolio. Unless, therefore, the matter is trivial, I would suggest that the memoranda which specify that Finance has not been consulted and set out the reasons why this has not been done, should be circulated to the Finance Secretary along with the relevant files at least a week or ten days before the meeting to enable the Secretary to brief the Finance Minister with the implications of the proposal so that he could make up his mind as to his attitude at the Cabinet meeting.

Among the charges which have been inquired into in several cases the Finance Department has been bypassed, and it looks as if it was for no reason other than that if the department had been consulted, matters or circumstances would have been brought out which would not have been very convenient. I have in mind the files that show the antecedent process that transpired before the grant of the lease which is the subject of Allegation 10 and the persistance with which Mr. Mahajan directed the bypassing of the Finance Department. In this connection I cannot refrain from mentioning that when the proposals of Mr. Nag, Secretary in the Forest Department, for the grant of relief to forest lessees (in Allegations 29 and 31) were forwarded to the Finance Department, the latter though they had to accept his facts because they had (*Page 714*) no alternative still cut down the relief suggested by 20 per cent which having regard to the enormous amounts involved (the amount involved a remission of royalty of the order of nearly Rs 1 crore) meant on the whole a substantial saving for the State.

(4) Lastly, and I do not know how far it would be useful, but I consider it worth trying that there should be a convention by which Ministers, whether their assent is sought to be obtained by circulation or at Cabinet meetings, should in cases where the proposals before them are calculated to benefit themselves or their close relatives (who these are might again be the subject of the convention) should declare to their colleagues, about their interest and the details of the nature of such an interest and not participate in the discussion and that this should be recorded in the proceedings of the Cabinet meeting. If there had been such a convention and it had been observed, some or at least most of the improprieties charged against the respondent might not have come about. I have in mind provisions on the lines of those in the Companies Act, under which Directors have to declare their interest in decision taken by him (them?) and have to appraise (apprise?) shareholders of the nature of their interest before the latter are called on to sanction their proposals. As the proceedings of the Cabinet would be confidential, there could be no objection on the score of undesirable publicity. But it would have the advantage of the rest of the members of the Cabinet knowing what they are deciding and its effect. I have a feeling that in some at least of the Cabinet decisions by which financial advantages were secured for the relations of the respondent, the other Ministers might not have known of the respondent's interest with the result that the examination and scrutiny which they might possibly have bestowed on the proposal was not forthcoming. I have besides the hope that if the interest of any particular Minister in the matter before the Cabinet was known to everyone, the chances of any impropriety being committed would be very minimal even if it were not entirely eliminated (*p. 715*).

APPENDIX XII

RECOMMENDATIONS OF THE JAMMU AND KASHMIR COMMISSION OF INQUIRY, 1968

Development Programmes

(1) There should be a statutory State Development Board and statutory Regional Development Boards for the three regions—Jammu, Kashmir and Ladakh. The Regional Boards should be headed by the Chief Minister or the Planning Minister and should consist of legislators from the regions, economists, experts and concerned officials. The regions should be adequately represented on the State Development Board which should be headed by the Chief Minister.

The functions of the Regional Development Boards will be: (*a*) to draw up the regional Plans; (*b*) to assign priority to schemes and projects included in the regional Plans; and (*c*) to supervise the implementation of the regional Plans.

In discharging these functions it should be the special responsibility of the Regional Development Boards to pay due regard to the special needs of the backward areas of their respective regions.

The State Development Board will scrutinize the regional Plans, prepare a residuary Plan of schemes and projects which transcend regional boundaries or happen to be of an all-State interest and allocate Plan funds equitably (after taking into account the population, area and the specific needs of each region) to the regional Plans and the residuary Plan of all-State interest.

(*Paragraphs 4.26 to 4.28*)

(2) The State Development Board and each of the Regional Development Boards will prepare at the end of each year a report of their respective activities giving details of the progress of the Plan programmes and Plan expenditure. At the end of each Plan, similar detailed reports should be prepared by the Boards indicating the physical and financial targets and the physical and financial achievements. All these reports should be laid before the Legislature as soon as may be after they are prepared.

(*Paragraph 4.29*)

Recruitment Policies

(3) Recruitment rules for all the State Services for which they do not exist at present should be framed and promulgated as early as possible. Recruitment rules for other services also should be speedily framed.

(*Paragraph 5.17*)

(4) Complete, tabulated results of all competitive examinations held by the Public Service Commission and any other Recruitment Board that may be

set up, should be published. These results should be sent to all candidates who have taken the examination or, if this is not always feasible, the results should at least be made available for scrutiny on request.

(*Paragraph 5.18*)

(5) Seniority lists for all services should be drawn up correctly and maintained uptodate.

(*Paragraph 5.19*)

(6) The annual confidential reports on all Government servants should be written up regularly and objectively and maintained properly. There should be provision for the review of the confidential rolls by an authority superior to the reporting officer. A proper procedure should be prescribed for dealing with representations of Government servants against adverse entries in their confidential rolls.

(*Paragraph 5.20*)

(7) The following multiple criteria should be adopted for determining which classes should be treated as backward: (*a*) the economic backwardness of the class; (*b*) the occupation or occupations pursued by that class of citizens; (*c*) their place of habitation; (*d*) the average of student population per thousand in that class; and (*e*) caste, in relation to Hindus.

(*Paragraphs 5.33 and 5.34*)

(8) The existing list of backward classes should be revised and a fresh list drawn up by a high-powered committee after applying the multiple criteria, mentioned above, relating to social, educational and economic backwardness.

(*Paragraph 5.35*)

(9) Article 335 of the Constitution of India should be made applicable to the Jammu and Kashmir State and reservation for the Scheduled Castes made in the services in proportion to their population.

(*Paragraphs 5.38 and 5.39*)

(10) Reservation in the services should also be made for the backward classes, as freshly determined, in proportion to their population, subject, however, to the condition that the total reservation for the backward classes and the Scheduled Castes should not ordinarily exceed fifty per cent. The balance of the posts should be filled strictly and solely on the basis of merit. In filling the posts reverved for the backward classes and the Scheduled Castes, persons belonging to each of these categories should be selected on the basis of merit.

(*Paragraph 5.35*)

Educational Policies

(11) Reservation of places in educational and professional institutions should be made for the backward classes and the Scheduled Castes in proportion to their respective population, subject to the condition that the total reservation does not ordinarily exceed fifty per cent. The balance of the places in such institutions should be filled strictly and solely on the basis of merit. In filling the places reserved for the backward classes and those reserved for the Scheduled Castes, merit should be the criterion for selecting the persons in each of these categories.

(*Paragraph 6.18*)

(12) A certain proportion of the provision available for the grant of scholarships and study loans should be set apart for the backward classes and the Scheduled Castes. The provision should be separate for each of them and should not be less than the proportion that either of them bears to the population of the State.

(*Paragraph 6.20*)

(13) The balance of the provision for the grant of scholarships and study loans should be made available to the rest of the student population. In giving scholarships or loans, the means of the parent or guardian should be an important factor for determining the eligibility of the applicant, and, other things being equal, merit should be the sole criterion for granting them.

(*Paragraph 6.20*)

Irritation and Tensions

(14) The Government and the people of the State of Jammu and Kashmir may themselves decide when Article 370 of the Constitution of India should be abrogated.

(*Paragraph 7.16*)

(15) The State Government should immediately take all steps to arrange for the holding of elections to the local bodies as early as possible. These elections should be held regularly in future.

(*Paragraph 7.18*)

(16) A convention should be established that if the Chief Minister belongs to one region, there should be a Deputy Chief Minister belonging to the other region. By another convention, the number of Cabinet Ministers belonging to the the two regions should be equal. There should also be a full-fledged Cabinet Minister belonging to Ladakh.

(*Paragraph 7.30*)

(17) The functions of each Head of Department should be divided on a regional basis; in other words, each Department should have a Head and an Additional Head, one of them functioning in one region and the other in the other region. The Department will be under the overall control of the main Head who will also be responsible for the coordination of work between him and the Additional Head.

(*Paragraph 7.31*)

(18) When the High Court of Jammu and Kashmir functions at Srinagar, there should be at least one High Court Judge stationed at Jammu to dispose of the cases there. Similarly, when the High Court is functioning at Jammu, there should be at least one High Court Judge stationed at Srinagar to deal with the cases arising in Kashmir.

(*Paragraph 7.32*)

(19) Some of the cadres should be district-based, certain others region-based and the balance State-based. In district-based cadres transfers should be permissible only within the district and in region-based cadres transfers should be permissible only within the region. Members of State-based cadres alone should be transferable anywhere within the State. Generally speaking,

the incumbents of inferior and non-gazetted (other than supervisory) posts should be district-based. Supervisory non-gazetted posts, both clerical and non-clerical, should belong to the regional cadres. Class III and Class IV gazetted posts should also generally be in the regional cadres. The residents of the entire State shall be eligible for appointment to the posts included in any of these cadres.

(*Paragraph 7.33*)

(20) The incumbent of a district-based post on promotion to a post in the regional cadre will become transferable anywhere within the region. Similarly, a person on promotion from a post in a regional cadre to a post in an all-State cadre will become liable to transfer to a place anywhere in the State.

(*Paragraph 7.34*)

(21) Members of the Kashmir Administrative Service, the Kashmir Civil Service (Judicial) the Kashmir Police Service and such other State services as the State Government may consider necessary, shall be liable to serve for a minimum specified period (say, 5 years) in each of the three regions of Jammu, Kashmir and Ladakh.

(*Paragraph 7.35*)

(22) A Regional Recruitment Board should be set up for each of the Jammu and Kashmir regions and a District Recruitment Board for each district in the State including Ladakh. The function of the Regional Recruitment Board will be to make recruitment to the regional cadres, and that of the District Recruitment Boards to make recruitment to the district cadres. These Boards will concern themselves with filling those posts which are outside the purview of the Public Service Commission. These Boards could function part-time and be manned by suitable officers drawn from the regions or districts, as the case may be.

(*Paragraph 7.36*)

(23) There should be a separate full-fledged university in both the Jammu and Kashmir regions. One of them, preferably the one in Jammu, should immediately start a faculty of law. Subsequently, law classes will also have to be started in the other university.

(*Paragraph 7.37*)

(24) As all the professional colleges are located in Kashmir (the Agricultural College at Ranbirsinghpura also having been closed down recently) it will be proper to open a new medical college at Jammu. The question of starting an engineering college in the Jammu region may also be considered when the need for turning out a larger number of engineering graduates is felt.

(*Paragraph 7.38*)

(25) The State Government should review the entire policy of foodgrain prices, both for procurement and for issue, and introduce uniform prices for foodgrains throughout the Jammu and Kashmir regions.

(*Paragraph 7.40*)

(26) The quantum of rations issued at Srinagar and Jammu should be the same.

(*Paragraph 7.41*)

(27) In the matter of rations issued to Government servants in the Ladakh district, no distinction should be made between "locals" and "non-locals"; if, however, non-locals want to take the whole or part of the rice rations in the form of wheat Atta, this should be permitted.

(*Paragraph 7.42*)

(28) Some supplementary rationing of foodgrains should be introduced at Leh and Kargil on a basis similar to that dopted for the towns of the Jammu and Kashmir regions other than the cities of Srinagar and Jammu.

(*Paragraph 7.43*)

(29) The system of collection of tolls and the location of the toll barriers in the State should be re-examined and rationalized so that neither the Jammu region nor the Kashmir region is placed at a disadvantage compared to the other.

(*Paragraph 7.44*)

(30) A degree college should be established immediately at Leh. Subsequently, a second college should be established at Kargil.

(*Paragraph 7.46*)

(31) The transport facilities available to Ladakh should be improved. In particular the number of buses and trucks plying between Srinagar and Leh should be substantially increased and transport facilities made available for access to the interior places in Ladakh.

(*Paragraph 7.46*)

(32) Suitable arrangements should be made for the stay at Kargil of persons travelling between Leh and Srinagar.

(*Paragraph 7.46*)

(33) Stable and satisfactory arrangements for providing electricity to Leh and Kargil and other places of importance in Ladakh should be made.

(*Paragraph 7.46*)

(34) The single-line administration which was introduced in Ladakh some time ago should be revived in its entirety. The post of Development Commissioner should be merged with that of the Deputy Commissioner and the incumbent of the post should function as the Head of all Departments in Ladakh and the Ladakh Affairs Secretary should be the Secretary for all subjects so far as Ladakh is concerned. He should work under the Ladakhi Minister who could hold charge of the portfolio of Ladakh Affairs.

(*Paragraph 7.46*)

(35) The status of Leh should be accorded due recognition as the headquarters of a vast region by the construction of suitable buildings and roads, improving sanitary arrangements and other such measures.

(*Paragraph 7.46*)

(36) The sanctioning of roads, irrigation and hydel schemes for Ladakh entails much delay as they have to pass through several stages both in the State Government and in the Central Government. As the passage through these different stages is unavoidable, all the authorities concerned in the State and Central Government should be instructed to deal as expeditiously as possible with the schemes relating to Ladakh.

(*Paragraph 7.47*)

(37) The State Government should consider the request of the people of Ladakh for giving 'Ladakh' its due place in the formal name of the State.

(*Paragraph 7.48*)

(38) There are some obvious anomalies in the Big Landed Estates Abolition Act and the Tenancy Act. The Wazir Committee had in 1953 made certain recommendations for dealing with some of them. The Land Commission appointed in 1963 has recently submitted its report. The State Government should consider the recommendations of the Wazir Committee and the Land Commission and take action to remove the anomalies, wherever possible.

(*Paragraph 7.52*)

(39) The notification staying the disposal of applications made by the landholders on grounds of resumption for personal cultivation should be rescinded, the Act under which the notification has been issued should be repealed and all pending applications for ejectment should be disposed of as expeditiously as possible.

(*Paragraph 7.53*)

(40) The outstanding problems of refugees from non-liberated areas of the Jammu and Kashmir State should be examined sympathetically so that their apprehensions may be allayed.

(*Paragraph 7.55*)

(41) Fresh appointments to posts should, as a rule, be made only on the recommendation of the Public Service Commission or the Regional/District Recruitment Boards and the tendency to make *ad hoc* appointments against newly created posts should be discouraged.

(*Paragraph 7.58*)

(42) Regular meetings of the Departmental Promotion Committees, presided over by a Member of the Public Service Commission, should be held so that panels of officers eligible for promotion to posts within the purview of the Commission are always available. *Ad hoc* promotions pending the approval of the Public Service Commission should be avoided. The Departmental Promotion Committees should invariably have a representative of the Services Department as a member.

(*Paragraph 7.59*)

INDEX

Abbas Ghulam, 70
Abdullah, Sheikh, 68, 72, 77-8, 102, 104, 106, 108, 109-112, 114-118, 120-123, 125, 127-129, 131-132, 134-137, 142-144, 146-147, 149, 152-154, 157, 159, 160, 162-164, 166-167, 172-174, 178, 180, 182, 186, 193-196, 199-200, 211, 221, 224; as communalist, 68, 72, 120-123, 150, 153, 171, 174-175, 201; As nationalist, 73-74, 81-9, 107, 113, 132-133, 163: as pro-Pakista, 124-132, 135-139, 144, 145-146, 148, 150, 152-156, 159, 161, 166-170, 175, 191, 230, 239, 240, 243, 247
Abu-l-Fazal, 1-2, 8, 54, 58
Accountant General of India, 182
Afghanistan, 17, 24, 31, 33, 35, 49, 58, 63, 65, 73, 163, 167
Africa, 148, 198, 246
Afro-Asian Conference, 149, 151
Ahmed, Aziz, 138
Ahmed, Ghulam, 155
Ahmad Jamil-ud-Din, 72
Akbar, 22, 29, 31-32, 54
Akbar, Sufi Mohmd., 176
Aksai Chin, 9
Al Barauni, 1
Al Fateh (International Liberation Front), 228-235
Alexander, 14
Alexanderovics, C.H., 94
Algeria, 125, 148-149, 150-151
All-Jammu and Kashmir Muslim Conference, 68-70, 72-73, 74-78, 82, 84, 87, 121
All-Jammu and Kashmir National Conference, 70-74, 76-78, 80-83, 87, 110, 121-122, 167, 172, 192-193, 200, 206, 226
Al Maghribi, 52
Amarnath, 4-6
Amenmhet, 16
Anand Koul, 31
Ananta, 25, 39, 41
Anantseva, 45
Andhra Pradesh, 208
Arabs, 1, 51-52, 56, 149-150, 151
Arab League, 233
Arbitration, 177
Asad Khan, 31-32
Asia, 52-54, 148
Asoka, 52-54, 148
Assam, 208, 245
Auditor General of India, 184
Augustus, 39
Aurangzeb, 29
Avantivarman, 22-23, 38
Awami Action Committee, 170, 172
Awami League, 238-243
Ayyangar, Gopalaswami, 197
Ayyangar, N. Rajagopala, 202, 207
Ayyar, Alladi Krishnaswami, 94
Azad Darvesh, 62
Azad, Maulana, 74
Aziz, Abdul, 170

Babar, 12
Badshah Khan, 87
Balhara, 51
Baltistan, 11, 33
Baluchistan, 87
Bamzai, P.N.K., 23, 55
Bangla Desh, 243
Bannihal, 3
Baramulla, 8, 23

Bate, 8
Bazaz, Prem Nath, 47-48, 67, 115, 154, 170
B.B.C., 150, 191, 212
Beg, Mirza Afzal, 136, 145, 154-159, 162-164, 167-169, 172, 175-176, 194, 219, 224, 230
Bengal, 17, 239, 245
Bernier, 1, 3, 13
Bhagat, B.R., 168
Bhashani, Maulana, 236
Bhave, Vinoba, 158, 247
Bhiksacara, 43, 45
Bhim Shahi, 24
Bhoja, 25
Bhutan, 162
Bhutto, Zulfikar Ali, 139, 142-149-151, 178, 231-232, 234, 236-240, 242, 246
Bihar, 207-208
Bikaner, 79
Bilana, 54
Bogra, Mohmd. Ali, 139
Brecher, Michael, 79
Brines, Russell, 116, 152
Britain, 17, 138, 149-150, 172
British, 7, 33, 66, 71, 80, 83, 92, 144, 158, 176, 178
Buddha, 50, 53, 55
Buddhism, 8, 11, 17-18, 20, 41-42, 47, 51, 53, 54, 55, 57, 90; influence on Islam, 57-58, 60, 86

CAMPBELL-Johnson, Alan, 77-78, 80, 126
Census, 9, 144, 189-190
CENTO, 145
Chagla, M.C., 98, 115-117, 141, 147
Chakravarman, 39-40, 44
Chaks, 31, 33, 57, 63
Champaka, 27
Chandrapida, 19
Charlemagne, 20
Chavan, Y.B., 155, 163
Chen-yi, Marshal 151
China, 1, 2, 8, 11, 52-53, 116, 125, 139, 149, 151-153, 161, 167, 176, 178, 181, 236-237, 244-246; Chinese invasion, 114, 138, 152, 176, 185
Chinmulgund, P.J., 52-53
Chou En-lai, 125, 151-152
Christians, 11, 51, 86, 115, 208
Chroniclers, 1, 8, 11, 51, 56
Civil servants, 38, 40-41
Confederation, 136, 160, 163
Constituent Assembly (Indian) 85, 87, 92, 176
Constituent Assembly (Kashmir), 104, 109-110, 114, 120, 126, 128, 161-164, 167, 185

DAMARAS, 21, 25, 27, 42, 44-47
Damascus, 2
Damodara 1, 47
Dauvergne, 12
Deccan, 17
Delhi Agreement, 109-110, 120, 128, 132, 162, 183
Democratic National Conference, 206
Dhar, D.P., 206
Didda, 24, 42, 44
Dixon, Sir Owen, 167, 211
Doda, 121
Dogra, Girdhari Lal, 167
Dogra Mandal, 214
Dogras, 36, 65, 67, 72, 74, 163
Dogra, Premnath, 219
Durlabhavardhana, 19

EAST Pakistan, 207, 235-238, 241-247
Egypt, 16
Ekangas, 39
Election Commission of India, 158, 175, 182
Europe, 1, 3, 8, 12, 52, 91, 149

FAR East, 246
Farraka, 157
Farooq, Mir Waiz, 170, 172
Feisal, King, 153

Ferguson, J.P., 23, 35
France, 1, 92, 151
Fundamental rights, 90, 183-185, 224

GANDHI, Indira, 159, 163, 166, 173-174, 179, 185, 205, 208-209, 214, 222, 234, 246
Gandhi, Mahatma, 75, 88, 90-91, 108, 121, 133, 134, 141, 166, 170, 174
Ganga waters, 243
Ganhar, J.N., 57, 60
Ganhar, P.N., 57, 60
Germany, 150
Gibbon, Edward, 52
Gilgit, 9, 11, 53, 55, 58, 80
Glancy Commission, 101
Godhra, 17
Gonand 1, 16
Gopaditya, 18
Gopalavarman, 38
Gujarat, 14, 52, 152, 209, 222
Gulmarg, 12
Gurla Mandhata, 9

HAIG, Sir Wolseley, 57
Hannibal, 17
Hari Singh, Maharajah, 103, 184, 185
Harmukh, 4, 9
Harsa, 25-27, 41-42, 45-46
Harsavardhana, 55
Haryana, 212, 215
Hazrat Bal, 60, 118, 121, 124, 130, 139, 143, 146, 222, 228-229
Hijacking, 231-235, 237-240, 242-243
Himalayas, 4, 9
Himachal Pradesh, 206, 211, 214
Hindus, 1, 4, 7-11, 14, 19, 24, 28-29, 31, 33, 36, 47-48, 54, 56-57, 62-63, 68-69, 71-72, 78, 81, 83, 88, 90, 94, 99, 107, 115, 117-118, 121, 143-145, 155, 195, 208; common between Muslims and, 58-60
Hiuen Tsiang, 1, 17-19, 52,-54
Hodson, H.V., 77
Hunza, 11
Huska, 17
Hussain, Arshad, 168-169
Hussain, Dr Zakir, 117
Hyderabad, 69

ICAO, 232-233
I.L.O., 184
India, 1, 7, 68, 77-78, 82, 88, 100, 111, 118, 124, 130-131, 137, 149-150, 152, 163, 167-168, 170, 176-178, 236, 238-239; communalism in, 71, 92, 133-134, 143-145, 159, 207-210, 231, 243; Constitution of, 93-96, 98-99, 103-104, 106-107, 109, 112, 117, 121, 146, 158-159, 162, 174-176, 183-186, 193, 210, 212, 217; cultural history of, 50, 64, 91; defence of, 138-140, 165; freedom struggle in, 71-72, 75, 77; freedom of thought in, 91; Indian National Congress, 71, 74, 90-92, 100, 107, 126, 146-147, 157, 172, 206, 222; joint talks with Pakistan, 178; Kashmir policy, 178, 180; partition of, 177; protests against hijacking, 231-234; refugees in, 246; riots in, 68, 76; secular democratic, 92-93, 96-98, 111, 117-119, 121, 156, 179, 181, 195; stops Pakistan overflights, 234
Indonesia, 148
Indus, 9
Ireland, 52
Islam, 11, 27, 56, 59, 61, 73, 75, 78, 83, 147, 161, 177

JABAR-UL-TARIQ, 177
Jainism, 55
Jaisalmer, 79
Jalauka, 17, 54
Jaman Ded, 61
Jamaat-i-Islami, 171
Jammu, 10-11, 67, 72, 118, 121, 160, 163, 168, 171, 174, 178, 189, 191,

194, 196, 211, 214, 220, 225, 244-245, 248
Jammu and Kashmir Commission, 181, 186, 192-194, 214-215, 217, 220, 226
Jammu Autonomy Forum, 214
Jan Sangh, 225
Japan, 52
Jarasandha, 16
Jayapida, 22, 40, 54
Jayasimha, 27, 43
Jedda, 152-153
Jehangir, 1, 2, 31
Jews, 51
Jinnah, Mohammed Ali, 71-75, 79, 83, 122, 134, 147, 176
Jodhpur, 79
Johnson, Harold S., 128
Joint defence, 164
Jonaraja, 28, 30-31, 56
Junagadh, 79
Juska, 17

KALHANA, 2, 8, 10, 16, 18, 19, 22, 25-27, 39-41, 43-44, 54-55, 56, 99
Kalasa, 45
Kalidasa, 15
Kanishka, 17, 53
Karan Singh, Yuvraj, 104
Karakorams, 4, 9
Kargah, 58
Kashmir, 1, 100, 124, 131, 133, 135, 157, 232, 242, 244-245, 247; accession, 77-78, 81, 85-88, 102, 105-106, 109-111, 120, 126, 128, 133, 140-141, 145, 162, 164-165, 172, 181-182, 184, 248; administration, 28-32, 34-36, 40-41, 49, 66-67, 101-102, 105, 112, 143, 161, 195-210, 216, 218-219, 220; architecture, 7, 19, 57; All-Parties Convention, 165, 168, 172, 174, 194, 226; area, 11; art and handicrafts, 12-14, 24, 30-31, 57; Article 370, 186, 193, 215; autonomy, 160-162, 163, 182-183, 188, 193, 214-215, 226; British control over, 66; cease-fire line, 138, 146, 152, 163, 189, 230; Central Acts extended to, 113, 127, 182, 184, 186, 188; communalism in, 67-68, 119, 121, 123, 142-143, 208, 213, 217, 227; condominium, 160; confederation, 212; Constitution of, 101-103, 105, 109, 111, 120, 145, 184, 190, 227; culture, 10-11, 50, 58-59, 170, 211; democracy in, 37, 49, 85, 83-84, 87, 89, 179, 185, 198; Dixon Plan, 167, economic development in, 112, 143, 182, 184, 186-187, 191, 196, 198, 204-205, 214, 218, 221; elections, 114, 120, 144, 158, 159, 161, 175; geography of, 6, 8-10, 16; history of, 1, 7, 10, 16-36; holy relic, 114-115, 139; independent Kashmir, 160, 163-164, 167, 170-171, 175, 211; integration, 181-185, 193; land reforms, 105, 108, 112, 121, 126, 199; languages, 11, 12; liberalization, 222-223; local self-government, 221, 225; love of knowledge in, 52, 60; New Kashmir, 106, 192, 197; Pakistan aggression in, 102, 116, 118, 125, 134, 137, 140, 144, 146, 154-156, 159-160, 164, 177, 179, 182, 188-190, 196, 199, 205, 208, 225, 235, 243-245; Pakistan-occupied, 230; part of India, 10, 88-89, 104, 106, 108, 126, 158, 160, 162, 166, 173, 226; partition, 149-150, 163, 171, 213-214; Plan expenditure, 181-186; plebiscite in, 121, 127, 167, population, 11, 189; President's rule, 188, 215-216; refugees in, 175, 190-192, restraints on authority in, 38-49; revenues, 36, 112; ruler of, 85, 101, 111, 144, 146, 183, 211, 216; secession, 174, 248; security of, 161; self-determination, 127-128, 142-145, 147-149, 151, 165, 168, 170, 174; social services in, 112, 187, 202-203, 218; subjects of, 67, 190-192; tolerance in, 54, 61, 63, 64, 69, 85, 87, 89-90, 105, 114-116, 119, 132, 142, 147-148, 170-171, 211, 216-217, 226; tourists, 205; Treaty of Amritsar, 33, 66, 74; women's part in, 47-48
Kasuri, Mahmud Ali, 231
Kasyapa, 8, 16
Kaul, J.L., 63
Kazi Nag, 4
Kerala, 117, 215
Khan Abdul Ghaffar, 129
Khan, Abdus Samad, 87
Khan, Liaqat Ali, 83
Khan, Mohmd. Ayub, 114, 119, 124-125, 134-135, 137, 139, 152, 155, 164, 236, 238, 241, 245
Khan, Tikka, 242-243
Khan, Yahya, 234, 237-238, 240-243, 245, 247
Kishinganga, 9, 35
Kishtwar, 9
Kennedy, John F., 168
Konkan, 51-52
Korbel, Joseph, 173
Kota Rani, 28, 55
Krishnamachari, T.T., 140
Kshemagupta, 24
Kumarjiva, 53
Kumarapala, 55
Kun Lun, 4
Kusa, 17
Kutch, 152, 177

LADAKH, 4, 9, 11, 13, 34, 58, 60, 67, 125, 138, 140, 163, 168, 178, 186, 193, 196, 206, 211, 214, 218, 221
Laleshwari, 61-62
Lalla Yogishwari, 61, 63
Lalitaditya, 19-22, 44, 54
Lava, 17
Lavanyas, 47
Lawrence, Walter, 1, 3-4, 6-7, 11-13, 21, 28, 29, 33-36, 48, 58-60, 195, 197, 198
League of Nations, 91
Lippman, Walter, 155

MADAD Khan, 33
Madhyantika, 17, 53
Madhya Pradesh, 207
Maghda, 16
Mahabharata, 1, 57
Mahajan, Mehar Chand, 78
Maharashtra, 208
Martanda, 19, 29
Masoodi, Maulana, 167
Masudi, 52
Matrgupta, 18
Maurizio Taddel, 24
Mauryan Empire, 37
Mecca, 149- 50
Meghavahana, 18
Mehta, Rustam, 14
Mihirakula, 18
Minorities, 86, 91, 93-94, 98, 103, 111, 115-117, 129, 133-135, 139, 145, 153, 161, 164, 170
Mirashi, V.V., 52-53
Mirza Doughlat, 30
Mizos, 236
Moghuls, 1, 2, 10, 12, 31-33, 49, 54, 163, 198
Mohammed, Bakshi Ghulam, 167 173, 202, 206
Mohammed Shah, 31
Mohi-Din Sufi, 57
Mookerjee, Shyama Prasad, 187
Moorcraft, 1, 13 14,
Morley, Lord, 98
Mountbatten, Lord, 77-79
Mudie, Sir Francis, 79
Munro, Sir Thomas, 66
Muslim League, 71, 73-76, 157, 240
Muslims, 7-8, 33, 46-47, 55, 57-60, 62-63, 67-69, 71-72, 78, 81-83, 85-86, 88-89, 103, 107, 110-111, 114-116, 118, 121-122, 133-134, 144, 146, 155, 169-170, 181, 186, 188-189, 191, 195, 219, 222, 244
Muslim Divines' Conference, 149

Muzaffarabad, 9, 11, 81, 83
Mysore, 222

NADAR Shah, 247
Nagar, 11
Nagarjuna, 18
Nagas, 236
Nanda, Gulzarilal, 140, 159
Nandigupta, 25
Nanga Parbat, 4, 9
Napoleon, 13
Narayan, J.P., 157-158, 160, 165-166, 167-168, 240, 247
Nasser, G.A., 149
Nefa, 138, 236
Nehru, Jawaharlal, 4, 6, 7, 61, 66, 71, 74, 81, 90, 92-99, 113, 121, 127, 133, 135-137, 139, 164, 168, 176, 222
Nero, 14
New Kashmir, 73-74
Nirjitavarman, 38-39
Nixon, Richard, 233
Northern Areas, 67
NWFP, 77
No-war Pact, 157
Nund Rishi, 62-63
Nur Din, 60

ORISSA, 208
Ou-Kong, 1, 17, 20

PAKISTAN, 11, 49, 71-73, 77-83, 85-89, 99, 102, 108, 110-111, 114-16, 118-119, 121, 123-128, 131-134, 137, 142-143, 148-150, 152-153, 156-159, 162-163, 165, 167-170, 172, 176-177, 180, 190, 208, 238-241, 243, 247; and China, 125, 139; Constitution, 96, 117, 134, 138, 145; involvement in hijacking, 229-237; war with India, 162
Palestine, 149-150
Pandus, 7, 16
Panini, 1
Parmu, R.K., 11
Partha, 38
Parvagupta, 25, 39
Patanjli, 1
Patel, Sardar, 78, 103
Persia, 13, 15, 56-57, 61
Philippines, 53
Pithawala, Manek B., 9
Plebiscite Front, 115, 141-146, 152-154, 158-159, 161, 169, 174-176, 194, 206-207, 214, 219, 221, 223, 230, ,248
Poonch, 9, 80, 121, 144
Portugal, 14
Praja Parishad, 158
Pratapditya, 49
Pratap Singh, 35
Pravarasena, 11, 19
Prayopavesa, 41-44
Ptolemy, 1
Punjab, 9, 17, 22, 33, 66, 177, 212, 215
Pylee, M.V., 93

QASIM, Mir, 126-127, 206, 221-224

RADDA Sankharaja, 27
Radhakrishnan, S., 92
Ranjit Singh, 33
Rajagopalachari, C., 157, 164
Rajatarangni, 1, 7, 38, 40-42, 47, 53, 67
Rajputana, 14
Ranbir Singh, 13, 35
Rakaposhi, 9
Rathod, Zafar Iqbal, 231
Rainchan Shah, 28
Ram Chand, 28
Rangaswami, K., 155
Rawalpindi-Peking-Jakarta Axis, 152
Rehman, Mujibur, 236-242, 245, 247
Roberts, Chalmers, 155
Rupabhawani, 61
Russell, Bertrand, 40

SADIQ, Ghulam Mohmd., 126, 152, 159, 167, 175, 179, 183, 186, 191, 202, 204, 206-207, 220-223, 226-227, 248
Salhana, 27, 45
Sambhuvardhana, 39
Samgramadeva, 25
Samgramaraja, 45
Samkaravarman, 23-24, 40
Sandimat Nagar, 16
Sanskrit, 1, 8, 55-57
Saraf, Shamlal, 167
Saudi, Arabia, 152
SEATO, 145
Sen, L.P., 173
Setalvad, M.C., 91, 119
Shahabuddin, 202
Shah Jehan, 31
Shah Mir (Shah Mirza) 28, 48, 55
Shah, Mir Waiz Yusuf, 28, 48, 55
Shamasuddin, 236
Shanti Swarup, 14
Sharifu-d-Din, 10
Shastri, Lal Bahadur, 141, 150, 222
Shiahs, 31-32, 59
Sikandar, 29-30, 56, 63, 73
Sikaram, 9
Sikhs, 11, 33, 35, 49, 68-69, 81, 83, 88, 115, 163
Simhadeva, 28
Sind, 177
Singh, Maharajah Gulab, 34-35, 65, 67, 190
Singh, Sardar Swaran, 152
Sinkiang, 139
Smith, Donald Eugene, 91-92, 97-98
South Vietnam, 42
Spain, 15, 177
Srilekha, 39
Srivara, 30, 55-57
Stien, M.A., 1, 2, 8, 10, 12, 17, 19, 21-22, 24-29, 30, 38-41, 42-47, 53-56, 65
South Africa, 142
Sugandha, 38-39
Sulaiman Saudagar, 51
Sundersena, 16
Sunnis, 59
Supreme Court, 98, 113, 117, 119, 127, 182, 184-185, 207
Sura, 23
Suravarman, 38
Suryamati, 25
Susala, 27, 42-43, 45-46
Suyya, 23
Swat, 24, 27
Switzerland, 2, 200, 204
Syed Abdullah, 60

TAGORE, Rabindranath, 238
Takht-i-Sulaman, 9
Tantrins, 38-39, 44
Tartary, 13
Tashkent Declaration, 179, 236, 224
Tibet, 13, 28
Todar Mal, 31
Toynbee, Arnold J., 52, 57
Tripura, 246
Turkey, 13
Two-nation theory, 88, 96, 99, 122, 133

UAR, 149, 152
Uccala, 27, 40, 42, 45
Udyanadeva, 25
Ukraine, 162
United Nations, 11, 121, 124, 136, 142, 152, 158, 165, 167-169, 172, 176, 179-180, 211, 244, 247
United Nations Commission, 128
U. P., 207-208
United States, 119, 138, 140, 152, 160, 172
Unmattvanti, 44
Upanishads, 50
USSR, 92, 151, 167, 246
U Thant, 246
Utakarsa, 45

VARNATA, 39
Vshishth, S., 130

Vietnam, 150
Vigne, 1, 48
Vikramaditya, 19, 49
Vitasta, 9-10, 17, 23

WAHAB Khar, 62
Walker, Benjamin, 50
West Asia, 246
West Bengal, 177, 207,208
Wilde, Oscar, 203

YASAKARA, 13
Yasovati, 61
Yoga, 1
Younghusband, Francis, 3, 17, 20, 22, 31, 35
Yudhishthira, 1, 48
Yugoslavia, 233

ZAIN-UL-ABDIN, 29-31, 33, 56, 57
Zoroastrians, 51
Zoravar Singh, 33
Zulkadar Khan, 28